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INTER GOVERNMENTAL RELATIONS

# MONTANA

# MODEL SUBDIVISION REGULATIONS

PUBLISHED BY

MONTANA DEPARTMENT OF INTERGOVERNMENTAL RELATIONS

PLANNING DIVISION

HELENA, MONTANA

APRIL 1974

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MONTANA DEPARTMENT OF INTERGOVERNMENTAL RELATIONS

HELENA, MONTANA

Harold M. Price, Administrator
Planning Division

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Director

APRIL 1974

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Prepared by the Division of Planning of the Department of Intergovernmental Relations, pursuant to the Montana Subdivision and Platting Act (Sections 11-3859 through 11-3876, R.C.M. 1947). The preparation of this document was financed in part through a grant from the Department of Housing and Urban Development, under the provisions of Section 701 of the Housing Act of 1954, as amended.

# THE STATE OF MONTANA MODEL SUBDIVISION REGULATIONS

## I. GENERAL PROVISIONS

### A. Title

These regulations shall be known and may be cited as "The Subdivision Regulations of _____(City or County)."

### B. Authority

Authorization for these subdivision regulations is contained in the Montana Subdivision and Platting Act (Sections 11-3859 through 11-3876, R.C.M. 1947).

### C. Purpose

The purposes of these regulations are to promote the public health, safety, and general welfare and to provide for:

1. The orderly development of the jurisdictional area.
2. The coordination of roads within subdivided land with other roads, both existing and planned.
3. The dedication of land for roadways and for public utility easements.
4. The improvement of roads.
5. The provision of adequate open spaces for travel, light, air and recreation.
6. The provision of adequate transportation, water, drainage, and sanitary facilities.
7. The avoidance or minimization of congestion.
8. The avoidance of subdivision which would involve unnecessary environmental degradation.
9. The encouragement of subdivision development in harmony with the natural environment.
10. The avoidance of danger or injury by reason of natural hazard or the lack of water, drainage, access, transportation or other public services.

11. The avoidance of excessive expenditure of public funds for the supply of public services.

12. The manner and form of making and filing of any plat for subdivided lands.

13. The administration of these regulations by defining the powers and duties of approving authorities including procedures for the review and approval of all plats of subdivisions covered by these provisions.

D. Jurisdiction

These regulations govern the subdivision of land within the jurisdictional area of the governing body of _____ (name of incorporated city or town).

or

These regulations govern the subdivision of land within the unincorporated area of _____ County.

These regulations supplement all other regulations, and where they are at variance with other laws, regulations, ordinances, or resolutions, the more restrictive requirements shall apply.

E. Severability

Where any word, phrase, clause, sentence, paragraph, or section, or other part of these regulations is held invalid by a court of competent jurisdiction, such judgement shall affect only that part held invalid.

F. Definitions

Whenever the following words or phrases appear in this text, they shall have the meaning assigned to them by this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "shall" is always mandatory, and the word "may" indicates use of discretion in making decisions.

1. BLOCK: A group of lots, tracts or parcels within well defined and fixed boundaries.

2. BUILDING SETBACK LINE: An imaginary line establishing the minimum distance that structures may be located from lot lines and street rights-of-way.

3. CERTIFICATE OF SURVEY: A drawing of a field survey prepared by a registered land surveyor for the purpose of disclosing facts pertaining to boundary locations.

4. COMPREHENSIVE PLAN: A master plan as defined in Section 11-3803, R.C.M., 1947.

5. CONDOMINIUM: A form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units.

6. COVENANT: An agreement, in writing, of two or more parties by which any of the parties pledges himself to the others that something is done or shall be done.

7. DEDICATION: The deliberate appropriation of land by an owner for any general and public use, reserving himself no rights which are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.

8. DIVISION OF LAND: The segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring, or contracting to transfer, title to or possession of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to the Montana Subdivision and Platting Act. Provided that where required by the Act the land upon which an improvement is situated has been subdivided in compliance with the Act, the sale, rent, lease or other conveyance of one or more parts of a building, structure, or other improvement situated on one or more parcels of land is not a division of land and is not subject to the terms of the Act.

9. DWELLING UNIT: Any building or portion thereof providing complete, independent and permanent living facilities for one family.

10. EASEMENT: A right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds title to the land.

11. ENGINEER (REGISTERED PROFESSIONAL ENGINEER): A person licensed in conformance with the Montana Professional Engineers' Registration Act (Sections 66-2301 through 66-2347, R.C.M. 1947) to practice engineering in the State of Montana.

12. EXAMINING LAND SURVEYOR: A registered land surveyor duly appointed by the governing body to review surveys and plats submitted for filing.

13 GOVERNING BODY: The board of county commissioners, or the governing authority of any city or town organized pursuant to law.

14. LOCATION MAP: A small scale map showing the location of a tract of land in relation to a larger land area.

15. LOT: A parcel, plot or other land area created by subdivision for sale, lease, or rent.

16. LOT MEASUREMENTS:
    a. Lot Depth -- The length of a line drawn perpendicularly to the front lot line and extending to the rear lot line.

    b. Lot Width -- The width of the lot measured along the building setback line.

    c. Lot Frontage -- The width of the front lot line.

    d. Lot Area -- The area of a lot determined exclusive of street, highway, alley, road, or other rights-of-way.

17. LOT TYPES:
    a. Corner Lot: A lot located at the intersection of two streets.

    b. Interior Lot: A lot with frontage on only one street.

    c. Through Lot: A lot whose front and rear lines both abut on a street.

18. MINOR SUBDIVISION: A subdivision containing five (5) or fewer parcels where proper access to all lots is provided, where no land in the subdivision will be dedicated to public use for parks or playgrounds and which has been approved by the Department of Health and Environmental Sciences where such approval is required by Sections 69-5001 through 69-5005, R.C.M. 1947. (Local subdivision regulations may add reasonable additional criteria to the above definition).

19. MOBILE HOME: A factory-assembled structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit(s) without a permanent foundation.

20. MOBILE HOME LOT: A designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants.

21. MOBILE HOME PARK: A tract of land providing two or more mobile home lots for lease or rent to the general public.

22. MOBILE HOME STAND: That area of a mobile home lot which has been prepared for the placement of a mobile home.

23. MONUMENT (PERMANENT MONUMENT): Any structure of masonry, metal, or other permanent material placed in the ground, which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference.

24. OCCASIONAL SALE: Means one sale of a division of land within any twelve-month period.

25. OPEN SPACE: A land or water area devoid of buildings and other physical structures except where accessory to the provision of recreation.

26. OVERALL DEVELOPMENT PLAN: The master plan of a subdivision design for a single tract proposed to be subdivided by stages.

27. PLANNED UNIT DEVELOPMENT (PUD): A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks, or any combination thereof which comprises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in a common ownership or use.

28. PLANNING BOARD: A city planning board, a county planning board or a joint city-county planning board formed pursuant to Section 11-3801 to 11-3858, R.C.M. 1947.

29. PLAT: A graphic representation of a subdivision showing the division of land into lots, parcels, blocks, streets, and alleys, and other divisions and dedications.

    a. Preliminary Plat: A neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision which furnish a basis for review by a governing body.

b. Final Plat: The final drawing of the subdivision and dedication required to be prepared for filing for record with the county clerk and recorder and containing all elements and requirements set forth in these regulations and the Montana Subdivision and Platting Act. (Sections 11-3859 through 11-3876, R.C.M. 1947).

c. Vacated Plat: A plat which has been removed from the county record under provisions of Sections 11-2801 through 11-2805, R.C.M. 1947.

30. PUBLIC IMPROVEMENT: Any structure or facility constructed to serve the residents of a subdivision or the general public such as parks, streets and roads, sidewalks, curbs and gutters, street lighting, utilities and systems for water supply, sewage disposal and drainage.

31. RECREATIONAL VEHICLE PARK: A place used for public camping where persons can rent space to park individual camping trailers, pick-up campers, motorhomes, travel trailers or automobiles for transient dwelling purposes.

32. RECREATIONAL VEHICLE SPACE: A designated portion of a recreational vehicle park designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

33. RIGHT-OF-WAY: A strip of land dedicated or acquired for use as a public way.

34. STATE: The State of Montana.

35. STREET TYPES: For purposes of these regulations, street types are defined as follows:

a. Alley: A street used primarily for vehicular access to the rear of properties which abut on and are served by public roads.

b. Arterial: A street or road having the primary function of moving traffic and the secondary function of providing access to adjacent land. Arterials generally carry relatively large volumes of traffic. Arterials have two to four lanes of moving traffic and provide limited access to abutting property.

c. Collector: A street or road having the equally important functions of moving traffic and providing access to adjacent land. Collector streets have two moving traffic lanes and two parking lanes.

d. Local Streets: A street or road having the primary function of serving abutting properties, and the secondary function of moving traffic. Local streets have two moving lanes of traffic and one or two parking lanes and provide access to abutting properties.

e. Dead-end Street: A street having only one outlet for vehicular traffic.

f. Half-Street: A portion of the width of a street, usually along the outside perimeter of a subdivision, where the remaining portion of the street must be located on adjacent property.

g. Cul-de-sac: A street having only one outlet for vehicular traffic and terminating in a turn-around area.

h. Loop: A local street which begins and ends on the same street, generally used for access to properties.

i. Frontage Access (Service Road): A local or collector street, usually parallel and adjacent to an arterial or major collector, which provides access to abutting properties and controls traffic access to arterials or collectors.

36. SUBDIVIDER: Any person, firm or corporation, or other entity who causes land to be subdivided or who proposes a subdivision of land.

37. SUBDIVISION: A division of land or land so divided, which creates one or more parcels containing less than twenty (20) acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed, and shall include any resubdivision; and shall further include any condominium or area, regardless of its size, which provides or will provide multiple space for recreational camping vehicles, or mobile homes. A subdivision shall comprise only those parcels less than twenty (20) acres which have been segregated from the original tract, and the plat thereof shall show all such parcels whether contiguous or not. Provided, however, condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from the provisions of the Act.

a. Rural Subdivision: A subdivision within which the density of development is not more than one dwelling unit per acre exclusive of public roadways, and which is located one mile or more from a third class city, two miles or more from a second class city, or three miles or more from a first class city.

b. Urban-Suburban Subdivision: A subdivision within which the density of development is greater than one dwelling unit per acre exclusive of public roadways, or which is located within one mile of a town or third class city, two miles of a second class city, or three miles of a first class city.

38. SURVEYOR (REGISTERED LAND SURVEYOR): A person licensed in conformance with the Montana Professional Engineers' Registration Act (Section 66-2301 through 66-2347, R.C.M. 1947) to practice surveying in the State of Montana.

39. SWALE: A drainage channel or shallow depression designed to direct surface water flow.

40. TRACT: Land area proposed to be subdivided.

41. VICINITY SKETCH: A map at a scale suitable to locate the proposed subdivision, showing the boundary lines of all adjacent properties and streets and other information necessary to determine the general location of the proposed subdivision.

42. WATERCOURSE: A natural depression or channel which gives direction to a current of water at any time of the year.

## II. PROCEDURES

### A. Plat Review and Approval

#### 1. General Requirements

No subdivider shall proceed with any construction work on the proposed subdivision, including grading or excavation relating thereto, until he has obtained from the governing body preliminary approval of the proposed subdivision plat.

Every final subdivision plat must be filed for record with the county clerk and recorder before title to the subdivided land can be sold or transferred in any manner or offered for sale or transfer.

#### 2. Pre-Application Procedures

The subdivider should meet with the planning board prior to submitting the required preliminary plat. The purpose of this meeting is to discuss these regulations and standards to familiarize the subdivider with the applicable goals and objectives of _____(City or County); and to discuss the proposed subdivision as it relates to these matters. The subdivider should provide a sketch plan of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. Scale dimensions should be noted. The sketch plat should include pertinent information such as: approximate tract and lot boundaries; location of easements, utilities, rights-of-ways, and parks and open spaces, and a description of general terrain, natural features, existing structures and improvements, and proposed public improvements.

#### 3. Preliminary Plat Required

The subdivider shall submit for review and approval a preliminary plat of the proposed subdivision which conforms to the requirements of these regulations, unless exempted under Section 20 of these regulations, Summary Review of Minor Subdivisions.

#### 4. Preliminary Plat Submission and Distribution

An application for approval of the preliminary plat, together with the appropriate filing fee and _____* copies of the preliminary plat and plat supplements, shall be submitted to_____(a designated agent such as the county clerk and recorder, city clerk or planning staff) at least

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*(The Governing Body shall require as many copies of the preliminary plat and supplements as it deems necessary for its review and for the review of local agencies and utilities having a substantial interest in proposed subdivisions. Such agencies may include school, fire, and conservation districts; local office of the United States Forest Service, Bureau of Land Management, or Soil Conservation Services; and other appropriate bodies.)

fifteen (15) days prior to a regular meeting of the planning board. For any subdivision not exempted from all or any portion of the environmental assessment pursuant to Sections 8 and 20 of these regulations, the subdivider shall submit seven (7) copies of the preliminary plat and supplements to the designated agent who will forward them to the Division of Planning, Department of Intergovernmental Relations, for distribution to reviewing state agencies.

The sixty (60) day review and approval period shall commence fifteen (15) days prior to the regular meeting of the planning board.* Review by public agencies or utilities shall not delay the governing body's action on the plat beyond this time limit, and the failure of any agency to complete a review of a plat shall not be a basis for rejection of the plat by the governing body. Any review comments shall be made available upon receipt to the subdivider and to the general public.

5. Preliminary Plat Form

A legible preliminary plat shall be submitted at a scale sufficient to minimize the number of sheets while maintaining clarity and shall be on one or more sheets either 18 x 24 or 24 x 36 inches in size.

6. Preliminary Plat Contents

The preliminary plat submitted for approval shall show or contain on the face of the plat or on separate sheets referenced on the face of the plat:

a. Name and location of subdivision, scale, north arrow, and date of preparation.

b. The exterior boundaries of the platted tract.

c. The approximate location of all section corners or legal subdivision corners of sections pertinent to the subdivision boundary.

d. All lots and blocks, designated by numbers, and the approximate dimensions and area of each lot.

e. All streets, alleys, avenues, roads and highways, and the width of the right-of-way of each with existing and proposed street names, and proposed locations of intersections or other access points for any subdivision requiring access to highways, arterials and collectors.

f. The approximate location, boundaries, dimensions and areas of all parks, common grounds, or other grounds dedicated for public use.

*Where a planning board has no staff or administrative assistance, a preferable approach might be to begin the sixty (60) day review period on the day of the regular meeting so that the planning board can determine if the subdivider has complied with preliminary plat application and review requirements.

g. Any existing and proposed utilities located on or adjacent to the tract including:

1. The approximate location, size and depth of sanitary and storm sewers.
2. The approximate location and size of water mains and fire hydrants.
3. The approximate location of gas, electric and telephone lines, and street lights.
4. The approximate location of nearest water mains and sewer lines where none are located on or adjacent to the tract.

h. Ground elevations on the tract

Contour intervals shall be provided at vertical intervals of two (2) feet where the average slope of the subdivision is less than ten percent (10%) and at intervals of five (5) feet where the average slope of the subdivision is ten percent (10%) or greater. If the proposed density of the subdivision is one (1) dwelling unit per acre or less, the respective vertical intervals required shall be five (5) feet and ten (10) feet. United States Geological Survey data or other information may be used, if it meets the foregoing interval requirements.

i. The approximate location of existing buildings, structures and improvements.

j. The approximate location and identity of all existing easements and rights-of-way of record and proposed public and private easements and rights-of-way, including description of their width and purpose.

k. The proposed locations of intersections or other access points for any subdivision requiring access to major highways or arterials.

7. Preliminary Plat Supplements

The following shall be supplied with and considered a part of the preliminary plat:

a. A vicinity sketch or sketches showing conditions on adjacent land including:

(1) The boundaries and ownership of all lands adjacent to the subdivision and to the access road leading from a present public right-of-way to the boundary of the proposed subdivision. Where the adjacent land is shown on a subdivision plat or certificate of survey filed with the county clerk and recorder, it shall be identified by reference to the plat or certificate.

(2) Location of any buildings, railroads, power lines, towers, roads and other nearby land uses.

(3) Any existing or proposed zoning.

b. A current U.S. Geological Survey topographic map, an aerial photograph or a location map of the largest scale available, with an outline of the subdivision clearly indicated thereon.

c. When a tract of land is to be subdivided in phases, the subdivider must provide an overall development plan indicating his intentions for the development of the remainder of the tract.

d. Drafts of any covenants and restrictions to be included in deeds or contracts for sale.

e. If common property is to be deeded to a property owners' association, the subdivider shall submit a draft of the covenants and restrictions which will govern the association. These covenants and restrictions shall, at a minimum, provide that:

(1) The property owners' association will be formed before any property is sold.

(2) Membership is mandatory for each property buyer and any subsequent buyer.

(3) The reservation of the common property is perpetual.

(4) The association is responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

(5) Property owners must pay their pro rata share of the cost and that the assessment charged by the association can become a lien on the property.

(6) The association may adjust assessments to meet changing needs.

f. Environmental Assessment: An environmental assessment shall accompany the preliminary plat, unless the subdivider has been exempted from the completion of the assessment pursuant to Section 8 of these regulations. Appendix "A" to these regulations provides the format of and questions to be addressed by the assessment.

8. Exemption from Environmental Assessment

When a subdivision is proposed in an area for which a master plan has been developed pursuant to Sections 11-3801 through 11-3856, R.C.M. 1947 and the proposed subdivision will be in compliance with the plan or when the subdivision will contain fewer than ten (10) parcels and less than twenty (20) acres, a planning board established pursuant to Sections 11-3801 through 11-3856, R.C.M. 1947, and having jurisdiction over the area involved may exempt the subdivider from the completion of all or any portion of the environmental assessment. When such an exemption is granted, the planning board shall prepare and certify a written statement of the reasons for granting the exemption. A copy of this statement shall accompany the preliminary plat of the subdivision when it is submitted for review.

(Where no properly established planning board having jurisdiction exists, the governing body may grant exemptions as specified in this Section.)

9. Public Hearing

After receiving a preliminary plat application the planning board shall hold a public hearing on the preliminary plat. Notice of the time and date of the hearing shall be given by publication in a newspaper of general circulation in the county not less than fifteen (15) days prior to the date of the hearing. The subdivider and each property owner of record immediately adjoining the land included in the plat shall also be notified of the hearing by registered mail not less than fifteen (15) days prior to the date of the hearing. The planning board may require the posting of copies of the notice of the hearing at conspicuous places on the boundaries of the proposed subdivision. The planning board shall consider all relevant evidence relating to the public health, safety and welfare, including the environmental assessment to determine whether the plat should be approved, conditionally approved, or disapproved by the governing body. The planning board shall review the preliminary plat to determine whether it conforms to the local comprehensive plan if one has been adopted, to the provisisons of the Montana Subdivision and Platting Act, and to these regulations. When a hearing is held by the planning board, the planning board shall act in an advisory capacity and recommend to the governing body the approval, conditional approval, or disapproval of the plat. This recommendation must be submitted to the governing body in writing not later than ten (10) days after the public hearing. A copy of this recommendation shall also be mailed to the subdivider.

10. Preliminary Plat Approval

The governing body shall approve, conditionally approve, or disapprove the preliminary plat within sixty (60) days of its presentation, unless the subdivider consents to an extension of the review period. If the governing body disapproves or conditionally approves the preliminary plat, it shall forward one (1) copy of the plat to the subdivider accompanied by a letter over the appropriate signature stating the reason for disapproval or enumerating the conditions which must be met to assure approval of the final plat.

The governing body may withdraw approval of a plat if it determines that information provided by the subdivider, and upon which such decision was based, is inaccurate.

11. Preliminary Plat Approval Period

Upon approving or conditionally approving a preliminary plat, the governing body shall provide the subdivider one (1) copy of a dated and signed statement of approval. The approval shall guarantee that the terms of the approval will not be affected by changes in the subdivision regulations. This approval shall be effective for not more than one (1) calendar year; at the end of this period the governing body may, at the request of the subdivider, extend its approval for not more than one (1) calendar year. Approval of the preliminary plat shall not constitute approval of the final plat.

12. Final Plat Contents

The final plat submitted for approval shall conform in all major respects to the preliminary plat as previously reviewed and approved by the governing body and shall incorporate all modifications required in its review.

The final plat shall comply with the Montana Uniform Standards for Final Subdivision Plats (MAC 22-2. 4B (30)-S4100), contained in Appendix D of these regulations.

13. Final Plat Approval Application

Any application for final plat approval, together with the original and one (1) copy of the final plat shall be submitted to the governing body for review and approval.

14. Final Plat Submission

The final plat with the application and supplements shall be submitted to _____(designated agent) at least twenty (20) days before a regularly scheduled meeting of the governing body. A final plat must be submitted before the expiration of the preliminary plat approval period. The final plat may constitute only that portion of the approved preliminary plat the subdivider wishes to file, provided that such portion conforms to all requirements of these regulations and is approved by the governing body in writing.

15. Final Plat Review

The governing body may require that final subdivision plats be reviewed for errors and omissions in calculation or drafting by an examining land surveyor before recording with the clerk and recorder.* When the survey data shown on the plat meet the conditions set forth by these regulations and the Montana Subdivision and Platting Act, the examining land surveyor shall so certify on the plat.

*The governing body may also require review of the final plat by the planning board to assure that it conforms to the approval preliminary plat.

No land surveyor shall act as an examining land surveyor in regard to a plat in which he has a financial or personal interest.

16. Guarantee of Public Improvements

a. As a condition of approval of the final plat, the subdivider shall have installed all required improvements or shall enter into a subdivision improvements agreement guaranteeing the construction and installation of all such improvements. This agreement must provide for one or more forms of security, acceptable to the governing body, such as, but not limited to, public improvement districts, performance or property bonds, escrow arrangements, loan committments, assignments of receivables property leins, and desposits of certified funds.

b. Plans, profiles, grades and specifications for proposed improvements, including a complete grading and drainage plan as required in Section 8, Grading and Drainage; PART III, DESIGN AND IMPROVEMENT STANDARDS; A. Land Subdivisions, shall be submitted to the governing body for its approval prior to the construction of improvements.

c. The governing body may provide for inspection of all required improvements, either where improvements are installed before final plat approval, or before releasing the subdivider from the subdivision improvements agreement.

d. As improvements are completed, the subdivider may apply to the governing body for a release of part or all of the collateral deposited with the governing body. Upon inspection and approval, in writing, the governing body shall release said collateral. If the governing body determines that any of such improvements are not constructed in compliance with specifications, it shall furnish the subdivider with a list of specific deficiencies and may withhold collateral sufficient to ensure such compliance. If the governing body determines that the subdivider will not construct any or all of the improvements in accordance with all specifications, it may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.

17. Final Plat Approval

The governing body shall approve or disapprove the final plat no more than thirty (30) days after application for approval of the final plat, and shall return the original and one (1) copy of the final plat to the subdivider within ten (10) days of the action.

The governing body shall examine the final subdivision plat and shall approve it only when it conforms to the conditions of approval set forth on the preliminary

plat and to the terms of the Montana Subdivision and Platting Act and these regulations. The governing body, however, may approve a final plat which has been modified to reflect improvements in design, or changes which have occurred in the natural surroundings and environment of the proposed subdivision of the preliminary plat since the time of review and approval.

The governing body shall approve a final plat if it conforms to the approved preliminary plat and if the subdivider has completed all required changes and met or exceeded all standards and requirements of these regulations. Approval shall be certified by the governing body on the face of the final plat.

If the final plat is disapproved, the reasons for disapproval shall be stated in the records of the governing body and a copy forwarded to the applicant. The applicant may then make the necessary corrections and resubmit the final plat for approval.

The governing body may withdraw approval of a plat if it determines that information provided by the subdivider, and upon which such decision was based is inaccurate.

The acceptance of land dedications shall be made by specific resolution of the governing body and noted on the final plat.

18. Final Plat Filing

Within one (1) year of approval of the final plat or minor subdivision plat, the subdivider shall file the original plat and one (1) copy thereof with the county clerk and recorder. After filing, the plats may not be altered in any manner. The county clerk and recorder shall refuse to accept any plat for record that fails to have approval in proper form and shall file approved plats only if they are accompanied by the following items:

a. Certification of park or playground dedication or of cash donation in lieu of dedication, where applicable.

b. Certification by a licensed title abstractor showing the names of the owners of record of land to be subdivided and the names of any lien holders or claimants of record against the land and the written consent to the subdivision by the owners of the land, if other than the subdivider, and any lien holders or claimants of record against the land.

c. Copies of any covenants or deed restrictions and any contract terms relating to public improvements.

d. A certification by the State Department of Health and Environmental Sciences that it has approved the plat and specifications for sanitary facilities.

e. Copies of articles of incorporation and by-laws of any property owners' association.

f. Certification by the subdivider indicating which required public improvements have been installed and a copy of a subdivision improvements agreement securing the future construction of any additional public improvements to be installed.

Copies of final plans, profiles, grades and specifications for improvements, including a complete grading and drainage plan, with the certification of a registered professional engineer that all required improvements which have been installed are in conformance with the attached plans.

g. Certification of zoning change where applicable.

h. Certification of acceptance of dedicated lands and improvements, where applicable.

i. Certification by examining land surveyor, where applicable.

j. Copy of the state or county highway permit when a new street or road will intersect with a state highway or county road.

k. Certification that the local governing body will not be required to improve or maintain any proposed private road within or providing access to the subdivision.

19. Correcting or Amending Filed Final Plats

a. Corrections of drafting or surveying errors that in the governing body's opinion will not materially alter the plat may be made by the submission of corrected final plat for the governing body's approval. The plat shall be entitled "corrected plat of the (name of subdivision) subdivision" and the reason for the correction shall be stated on the face of the plat.

b. Amendments that materially alter the final plats shall be corrected by the filing of an amended plat, approved by the governing body. Prior to such approval the amended plat shall be reviewed by the planning board. The governing body may not approve an amendment which will place the plat in nonconformance with the standards contained herein unless a public hearing is held on the plat and a written variance from the standards issued pursuant to procedures contained herein for such variances. The plat shall be entitled "amended plat of the _____ subdivision," and the reason for the amendment shall be stated on the face of the plat.

20. Summary Review Procedures for Minor Subdivisions

a. Unless deemed necessary for proper and effective public review, the following requirements shall not apply to minor subdivisions which are eligible for summary review and approval:

(1) the completion of an environmental assessment

(2) the submission of a preliminary plat

(3) a public hearing

If the planning board requires any portion of these exempted requirements it shall provide the subdivider with a written statement of the reasons for requiring the information or hearing.

Minor subdivisions receiving summary review are subject to the appropriate procedural requirements contained in the following sections of Part II, PROCEDURES, A. Plat Review and Approval:

1. General Requirements
2. Pre-application Procedures
13. Final Plat Approval Application
14. Final Plat Submission
15. Final Plat Review
16. Guarantee of Public Improvements
17. Final Plat Approval
18. Final Plat Filing
19. Corrections of Recorded Final Plats
21. Procedures for Subdivisions Created by Lease or Rent

b. An application for summary review together with a sketch plan of the proposed minor subdivision shall be submitted to _____ _____(a designated agent such as the county clerk and recorder city clerk, or planning staff) at least fifteen (15) days prior to a regular meeting of the planning board.

The sketch plan shall be legibly drawn showing in simple form the layout of proposed features in relation to existing conditions. Scale dimensions shall be noted. It shall include all pertinent information such as: approximate tract and lot boundaries, location of easements, utilities, rights-of-way, parks and open spaces, general terrain, natural features, existing structures and improvements and proposed public improvements.

c. At the next planning board meeting following the submission of the summary review application the planning board shall review the proposed minor subdivision. The planning board shall consider all relevant evidence relating to the public health, safety and welfare to determine whether the application should be approved, conditionally approved or disapproved by the governing body. The planning board shall review the proposed minor subdivision to determine whether it conforms to the local comprehensive plan if one has been adopted, to the provisions of the Montana Subdivision and Platting Act, and to these rules and regulations. The planning board shall act in an advisory capacity and recommend to the governing body the approval, conditional approval, or disapproval of the application. This recommendation must be submitted to the governing body in writing not later than ten (10) days after the planning board reviews the summary approval application. A copy of the recommendation shall also be mailed to the subdivider.

d. The governing body shall approve, conditionally approve or disapprove the summary review application at its next regular meeting following the receipt of the recommendation of the planning board. If the governing body disapproves or conditionally approves the application, it shall forward one (1) copy of the application to the subdivider accompanied by a letter over the appropriate signature stating the reason for disapproval or enumerating the conditions which must be met to assure approval of the minor subdivision.

The governing body may withdraw approval of a minor subdivision if it determines that information provided by the subdivider, and upon which such decision was based, is inaccurate.

e. Upon approving or conditionally approving a summary review application the governing body shall provide the subdivider with a dated and signed statement of approval. The approval shall guarantee that the terms of approval will not be affected by changes in the subdivision regulations. This approval shall be effective for not more than one (1) calendar year; at the end of this period the governing body may, at the request of the subdivider, extend its approval for not more than one (1) calendar year. Approval of the summary review application does not constitute approval of the minor subdivision plat.

f. The governing body shall approve or disapprove the minor subdivision plat no more than thirty (30) days after the application for approval of the plat, and shall return the original and one (1) copy of the plat to the subdivider within ten (10) days of the action.

The minor subdivision plat shall conform in all major respects to the summary review application and sketch plan as previously reviewed and approved by the governing body and shall incorporate all required modifications. The governing body, however, may approve a minor subdivision plat which has been modified to reflect improvements in design, or changes which have occurred in the natural surroundings and environment of the development site since the time of the application review and approval.

The governing body shall approve a minor subdivision plat if it conforms to the approved application and sketch plan and if the subdivider has completed all required modifications and met or exceeded all standards and requirements of these regulations. Approval shall be certified by the governing body on the face of the minor subdivision plat.

If the minor subdivision plat is disapproved, the reasons for disapproval shall be stated in the records of the governing body and a copy forwarded to the applicant. The applicant may then make the necessary corrections and resubmit the plat for approval.

The governing body may withdraw approval of a plat if it determines that information provided by the subdivider, and upon which such decision was based, is inaccurate.

The acceptance of land dedications shall be made by specific resolution of the governing body and noted on the plat.

The minor subdivision plat submitted for approval shall comply with the Montana Uniform Standards for Final Subdivision Plats (MAC 22-2. 4B(30)-S4100) as contained in Appendix D of these regulations.

21. Procedures for Subdivisions Created by Lease or Rent

a. Subdivisions created by rent or lease, such as mobile homes and recreational vehicle parks, are exempt from the surveying and filing requirements of the Montana Subdivision and Platting Act but must be submitted for review and approved by the governing body before portions thereof may be rented or leased.

b. Subdivisions created by rent or lease shall comply with the appropriate procedures contained in the following sections of Part II.PROCEDURES, A. Plat Review and Approval:

1. General Requirements
2. Pre-application Procedures
3. Preliminary Plat Required
4. Preliminary Plat Submission & Distribution

5. Preliminary Plat Form
6. Preliminary Plat Contents
7. Preliminary Plat Supplements
8. Exemption from Environmental Assessment
9. Public Hearing

c. The governing body shall approve, conditionally approve, or disapprove the preliminary plat of a rental or lease subdivision within sixty (60) days of its presentation, unless the subdivider consents to an extension of the review period.

If the governing body disapproves or conditionally approves the preliminary plat, it shall forward one (1) copy of the plat to the subdivider accompanied by a letter over the appropriate signature stating the reason for disapproval or enumerating the conditions which must be met to assure final approval of the preliminary plat. Where a plat has been conditionally approved the subdivider shall submit a revised preliminary plat which conforms in all major respects to the preliminary plat as previously reviewed by the governing body and which incorporates all modifications required in the conditional approval. The governing body may approve a preliminary plat which has been modified to reflect improvements in design, or changes which have occurred in the natural surroundings and environment of the area proposed for subdivision since the plat was previously reviewed.

Upon finally approving a preliminary plat for a rental or lease subdivision the governing body shall provide the subdivider with one copy of a dated and signed statement of final approval. The original and one (1) copy of the approved preliminary plat and the statement of approval shall be retained and filed by the governing body.

The governing body may withdraw approval of a subdivision created by lease or rent if it determines that information provided by the subdivider, and upon which such decision was based, is inaccurate.

d. Before any portion of a rental or lease subdivision may be rented or leased the subdivider shall have installed all required improvements. Preliminary plans, profiles, tentative grades and specifications for proposed improvements shall be submitted to the governing body for its approval prior to the construction of improvements. The governing body may provide for inspection of all required improvements in order to assure conformance with the approved construction plans and specifications.

e. Where a rental or leased subdivision qualifies as a minor subdivision, it may receive summary review as provided for in Section 20 of these regulations, Summary Review Procedures for Minor Subdivisions.

In lieu of the submission of a plat meeting the requirements for a final plat the subdivider shall submit a plat conforming to the requirements for a preliminary plat contained in Part II PROCEDURES, A. Plat Review and Approval, Section 5, Preliminary Plat Form; Section 6, Preliminary Plat Contents; and Section 7, Preliminary Plat Supplements, of these regulations.

22. Procedures for Condominium Subdivisions

All condominium developments are subdivisions subject to the terms of the Montana Subdivision and Platting Act as follows:

1. The construction of condominium buildings or installation of related public improvements is not subject to subdivsion review and approval procedures where the condominimums or improvements are to be constructed in an approved and filed subdivision, the approval of which was based on the anticipated construction of the condominiums and related public improvements. The public improvements in such a condominium development are, however, subject to inspection by the governing body to insure conformance with the approved subdivision plan and specifications.

2. Where no division of land is created by a condominium subdivision, surveying requirements shall not apply.

3. Where no division of land is created by a condominium subdivision, the subdivision shall be reviewed under the procedures contained in Section 21, Procedures for Subdivisions Created by Lease or Rent with the following exception: in lieu of the completion of all required improvements before final approval is given, the subdivider may enter into a subdivision improvements agreement pursuant to Section 16, Guarantee of Public Improvements.

4. Where no division of land is created by a condominium subdivision and an adopted zoning ordiance permits multiple family use of the density proposed in the plan for the condominium, the condominium subdivision is exempt from public review and approval pursuant to the Montana Subdivision and Platting Act.

23. Procedures for Divisions of Land Exempted from Public Review as Subdivisions

Divisions of land meeting the criteria set out in Section 11-3862 (6), R.C.M. 1947 are not subdivisions subject to review under these regulations but

are subject to the following procedural requirements:

a. A certificate of survey of any division of land which would otherwise amount to a subdivision but which is exempt from public review under Section 11-3862 (6), R.C.M. 1947 will not be entitled to filing by the county clerk and recorder unless it bears an acknowledged certification by the property owner that the division of land in question is exempt from review as a subdivision and setting out the applicable exemption.

b. Where a division of land, otherwise required to be reviewed as a subdivision, is exempt from public review because the parties to the transaction have entered into a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes, the certificate of survey of such division is not entitled to filing unless it bears an acknowledged copy of the covenant, and an acknowledged certification of the property owner of the reason that the division of land is exempt from public review and approval.

c. Where a division of land is exempted from public review because it is an "occasional sale" pursuant to Section 11-3862 (d) the certificate of survey thereof must bear an acknowledged certification of the basis for the exemption. Only one occasional sale may be made within a 12-month period from any tract or contiguous tracts of land held in single or undivided ownership.

B. Administrative Provisions

1. Schedule of Fees

The governing body shall establish a schedule of fees, charges and expenses to be paid by subdividers to defray the expense of subdivision review and any inspections necessary for plat approval. The schedule of fees shall be posted in the county clerk and recorder's (or city clerk's) office. No action shall be taken on applications or appeals until all applicable fees have been paid in full. Applications for subdivision approval shall not be accepted unless accompanied by all applicable fees.

2. Variances

The governing body may grant reasonable variances from the Design and Improvement Standards of these regulations when it is satisfied that the strict enforcement of such standards will result in undue hardship and is not essential to the public health, safety, and welfare. When any such variance is granted, the motion of approval of the proposed subdivision shall contain a statement describing the variance and the facts upon which the issuance of the variance was based.

3. Violation

Every final subdivision plat must be filed for record with the county clerk and recorder before title to the subdivided land can be sold or transferred in any manner or offered for sale or transfer. If illegal transfers or offers of any manner are made, the county attorney shall commence action to enjoin further sales, transfers, or offers of sale or transfer and compel comliance with all provisions of the Montana Subdivision and Platting Act and these regulations. The cost of such action shall be imposed against the person transferring or offering to transfer the property.

4. Penalty for Violation

Any person who shall violate any of the provisions of the Montana Subdivision and Platting Act or these regulations is guilty of a misdemeanor and punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or by imprisonment in jail for not more than three (3) months or by both fine and imprisonment. Each sale, lease or transfer, or offer of sale, lease, or transfer of each separate parcel of land in violation of any provision of the Montana Subdivision and Platting Act or these regulations shall be deemed a separate and distinct offense.

5. Appeals

A decision of the governing body approving or rejecting a proposed subdivision plat may be reviewed by the district court upon application for a writ of certiorari. The application shall specify the grounds upon which it alleges the illegality of the action of the governing body.

6. Vacating Recorded Plats

Any plat prepared and recorded as herein required may be vacated, in whole or in part, as provided by Sections 11-2801 through 11-2805, R.C.M. 1947. Easements shall remain to continue operation and maintenance of existing public utility facilities.

## III. DESIGN AND IMPROVEMENT STANDARDS

All subdivisions approved by the governing body shall comply with the provisions of this section.

### A. Land Subdivisions

#### 1. General Standards

a. Land being subdivided shall conform to any comprehensive plan, zoning resolution or ordinance, and other resolutions and regulations in effect in the county (city).

b. The design and development of subdivisions shall preserve the natural terrain, natural drainage, existing topsoil, trees and natural vegetation to the extent possible.

#### 2. Lands Unsuitable for Subdivision

Land which the governing body has found to be unsuitable for subdivision because of potential hazards such as flooding, snow avalanches, rock falls, land slides, excessive slopes, subsidence, high water table, polluted or non-potable water supply, high voltage lines, high pressure gas lines, air or vehicular traffic hazards or other features which may be detrimental to the health, safety, or general welfare of existing or future residents shall not be subdivided for building or residential purposes unless the hazards are eliminated or will be overcome by approved design and construction plans.

#### 3. Floodway Provisions

Land located in the floodway of a flood of one hundred year frequency as defined by Title 89, Chapter 35, R.C.M. 1947, or land deemed subject to flooding as determined by the governing body shall not be subdivided for building or residential purposes, or other uses that may increase or aggravate flood hazards to life, health, or welfare.

If any portion of a proposed subdivision is within 2,000 horizontal feet and 20 vertical feet of a live stream draining an area of 25 square miles or more, and no official floodway delineation or floodway studies of the stream have been made, the subdivider shall furnish survey data as required by Montana Requirements for Flood Hazard Evaluations (MAC 22-2. 4B (26)-S4070) as contained in Appendix C of these regulations. The floodway will be determined by the Water Resources Division, Department of Natural Resources and Conservation. This requirement for survey data shall be waived by the planning board where the subdivider has contacted the Water Resources Division and that agency has stated in writing that available data indicates that the proposed subdivision is not in a flood hazard area.

4. Improvement Design

Engineering plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body shall be prepared by a registered engineer or a registered land surveyor as their respective licensing laws allow in accordance with the Montana Subdivision and Platting Act and these regulations.

5. Lots

Each lot shall contain a satisfactory building site which is properly related to topography and conforms to health department regulations, zoning regulations and these regulations. Slopes in excess of twenty-five (25) percent shall be deemed unsuitable for building sites. Where no zoning regulations are in effect, maximum density and minimum lot size shall be established in consultation with local and state health authorities and based upon interpretations of soil surveys. The design of lots shall meet the following standards:

a. No single lot shall be divided by a municipal or county boundary line.

b. No single lot shall be divided by a public street, road, alley, existing right-of-way or other lot.

c. Each lot shall abut a public or private street or road.

d. Corner lots shall front on and have access to the same street or road as interior lots.

e. Corner lots shall be of sufficient area to provide acceptable visibility for traffic safety.

f. No lot shall have an average depth greater than four (4) times its average width.

g. Side lot lines shall be at substantially right angles to street or road lines and radial to curved street or road lines.

h. Through lots are prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation.

6. Blocks

Blocks shall be designed to assure traffic safety and ease of traffic control and circulation. Blocks shall be wide enough to allow for two tiers of lots unless the topography or other factors dictate the use of one tier of through lots or unless the governing body approves the design of irregularly shaped blocks indented by cul-de-sacs. Blocks shall be long as reasonable

and consistent with the topograpthy and needs for convenient access, traffic control and safety, and the type of land uses proposed, except that blocks in urban-suburban subdivisions shall not exceed 1,200 feet in length.

7. Streets and Roads

a. All roadway improvements including pavement, curbs, sidewalks, and drainage shall be constructed in accordance with the specifications and standards prescribed in these regulations.

b. The arrangement, type, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, and to public convenience and safety, and in their relation to the proposed uses of the land to be served by them.

c. General Street and Road Standards

(1) Intersections. The following items apply to intersections:

a. streets shall intersect at right angles, except when topography dictates, and in no case shall the angle of intersection be less than sixty (60) degrees.

b. two streets meeting a third street from opposite sides shall meet at the same point, or their centerlines shall be offset at least one hundred twenty-five (125) feet.

c. intersection design shall provide acceptable visibility for traffic safety as dictated by the designed operating speeds of the individual roadways.

d. intersections of local streets with major arterials or highways shall be kept to a minimum.

(2) Curbs and gutters or swales shall be required as determined by the governing body according to the character of the area, density of development, and nature of adjoining properties. Curbs and gutters of adjoining properties shall be extended according to current specifications of local and state authorities. Curbs, gutters and swales shall be designed as part of an overall subdivision grading and drainage plan. (See Grading and Drainage Design and Improvement Section.)

(3) Sidewalks shall be provided when required by the governing body.

(4) Culverts or bridges shall be provided and installed by the subdivider where drainage channels intersect any street right-of-way. All culverts shall extend at least across the entire improved width of the street; the amount of backfill to be placed over the culvert and the culvert's capacity shall be determined by a qualified engineer. The minimum capacity of a culvert shall be equivalent to that of a culvert having a circular diameter of eighteen (18) inches.

(5) A driveway shall be provided for each lot and shall be located at least three (3) feet from the side lot line and be at least ten (10) feet wide.

(6) Street plantings may be required for buffering, screening, or soil erosion protection and are subject to approval by the governing body. Existing trees and other vegetation shall be preserved where possible. A buffering screen of evergreen foliage may be required to be planted along the rear lot lines of those lots in a subdivision that abut a highway arterial, or frontage access road.

(7) Local streets shall be designed so as to discourage through traffic.

(8) Dead-end streets are prohibited. Where future street extension is proposed, a temporary cul-de-sac shall be provided.

(9) Whenever a subdivision abuts or contains an existing or proposed arterial highway or major thoroughfare, the governing body may require frontage roads, with a reservation prohibiting access along the rear property line, deep lots, or other treatment as may be necessary for adequate protection of residential properties and to separate arterial and local traffic.

(10) Half streets are prohibited except where essential to the development of the subdivision and where the governing body is assured that it will be possible to require the dedication of the other half of the street when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(11) Streets which will be continuations of existing streets shall be aligned so that their center lines coincide with those of the existing streets. (In cases where straight continuations are physically impossible, center line off-set shall be not less than 125 feet.)

(12) Names of new streets aligned with existing streets shall be the same as those of the existing streets. Street names for non-continuing streets shall not be duplicate nor be confused with existing street names. Street name signs shall be provided and placed by the subdivider as specified by the governing body at all street intersections.

(13) Horizontal alignment of streets shall ensure adequate sight distances. When street lines deflect more than five (5) degrees, connection shall be made by horizontal curves.

(14) Residential driveways shall not have direct access to arterials and major highways.

(15) Street lights may be required by the governing body on all streets within the subdivision.

(16) The rights-of-way of all platted private roads shall be at least sixty (60) feet wide, and grades shall not exceed maximums set for dedicated roadways. Non-dedicated roads shall be maintained by a property owners' association.

(17) Roadway subgrades shall be free of sod, vegetative or organic matter, soft clay, or other objectionable materials for a depth of at least two (2) feet, properly rolled, shaped and compacted and subject to approval by the governing body.

(18) Roadway surface shall be constructed on a suitable base, using materials approved by the local governing body.

d. Roads in Rural Subdivisions shall meet the design specifications in Table I.

e. Streets and roads in Urban-Suburban Subdivisions shall meet the design specifications in Table II.

8. Grading and Drainage

a. The subdivider shall provide a complete grading and drainage plan with accurate dimensions, courses and elevations, showing the proposed grades of streets, and drainage improvements for lots, blocks, and other areas.

TABLE I

DESIGN SPECIFICATIONS - RURAL ROADS

| | ARTERIAL | | COLLECTOR | | LOCAL | |
|---|---|---|---|---|---|---|
| | Max. Curve (Degrees) | Min. Radius (Feet) | Max. Curve (Degrees) | Min. Radius (Feet) | Max. Curve (Degrees) | Min. Radius (Feet) |
| 1. Curvature[a] | | | | | | |
| Flat & Rolling[f] | (60 mph)[e] 5.0 | 1140 | (40 mph)[e] 11.5 | 510 | (30 mph)[e] 22.0 | 250 |
| Hilly[f] | (50 mph) 7.5 | 760 | (30 mph) 22.0 | 250 | (20 mph) 53.5 | 110 |
| 2. Min. Stopping Sight Distance (ft) | 475 | | 350 | | 150 | |
| 3. Maximum Grade[b] (%) | | | | | | |
| Flat & Rolling | 6 | | 7 | | 9 | |
| Hilly | 8 | | 9 | | 11 | |
| 4. New Bridges | | | | | | |
| Width (Curb-to-Curb) (ft) | 28 | | 28 | | 20 | |
| Design Load (AASHO)[d] | H-20 | | H-20 | | H-15 | |
| Vertical Clearance (ft) | 14.5 | | 14.5 | | 14.5 | |
| 5. Min. Pavement Width[c] (ft) | 28 | | | | | |
| 6. Roadway Width (ft) | 28 | | 28 | | 24 | |
| 7. Right-of-way width (ft) | 80 | | 60 | | 60 | |

Cul-De-Sac Turn Around Radius (Roadway Width) 40'

a. Curvature is based on a superelevation of .08'/ft.
b. Grades may be steeper for short distances provided traffic safety is assured.
c. For guardrail installation, width of shoulder to be additional two feet.
d. American Association of State Highway Officials.
e. Design speed of road.
f. Flat and rolling terrain is that with a cross slope of less than 15%.
Hilly terrain is that with a cross slope of 15% or greater.

TABLE II

DESIGN STANDARDS - URBAN & SUBURBAN STREETS

| | ARTERIAL | | COLLECTOR | | LOCAL | |
|---|---|---|---|---|---|---|
| | Max. Curve (Degrees) | Min. Radius (Feet) | Max. Curve (Degrees) | Min. Radius (Feet) | Max. Curve (Degrees) | Min. Radius (Feet) |
| 1. Curvature[a] | (40mph)[d] 10.0 | 561 | (30mph)[d] 19 | 300 | (20mph)[d] 53.0 | 120 |
| . Min. Stopping Sight Distance (ft) | 375 | | 200 | | 150 | |
| 3. Max. Grade[b] (%) | | | | | | |
| Flat & Rolling[e] | 7 | | 8 | | 9 | |
| Hilly[e] | 9 | | 10 | | 11 | |
| 4. New Bridges | | | | | | |
| Width (curb-to-curb) | 44 | | 36 | | 34 | |
| Design Land (AASHO)[c] | H-20 | | H-20 | | H-15 | |
| Vertical Clearance | 14.5 | | 14.5 | | 14.5 | |
| 5. Min. Pavement Width (ft) | 28 | | | | | |
| 6. Min. Roadway Width (ft) | 44 | | 36 | | 34 | |
| 7. Right-of-way Width (ft) | 80 | | 80 | | 60 | |

Cul-De-Sac Turn Around Radius (Roadway Width) 34'

a. Curvature is based on a superelevation of .04'/ft.
b. Grades may be steeper for short distance provided traffic safety is assured.
c. American Association of State Highway Officials.
d. Design speed of streets.
e. Flat and rolling terrain is that with a cross slope of less than 15%.
Hilly terrain is that with a cross slope of 15% or greater.

b. The subdivider shall provide suitable drainage facilities for any surface run-off affecting the subdivision; these facilities shall be located in street rights-of-way or in perpetual easements of appropriate widths and are subject to approval by the governing body.

c. Each culvert or other drainage facility shall be large enough to accommodate potential run-off from upstream drainage areas.

d. Drainage systems shall not discharge into any sanitary sewer facility.

e. The grading and drainage system for an Urban-Suburban Subdivision shall be designed and certified by a registered engineer.

f. The grading and drainage system for a Rural Subdivision which meets the criteria for summary review as a minor subdivision may be designed and certified by a registered engineer or, with the approval of the governing body, may be designed in consultation with the Soil Conservation Service or other authorities.

g. All drainage systems shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, as required by Sections 69-5001 through 69-5005, R.C.M. 1947 , and all regulations adopted pursuant thereto.

9. Water Supply

All water supply systems shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Sections 69-5001 through 69-5005, R.C.M. 1947. The water supply system shall be subject to approval by the governing body which may require that any proposed central system provide adequate and accessible water for fire protection in the subdivision.

10. Sewage Disposal

All sewage disposal systems shall meet the minimum standards of the Montana State Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Sections 69-5005 through 69-5006, R.C.M. 1947. The means of sewage disposal shall be subject to approval by the governing body.

11. Solid Waste

The subdivider shall assure that provisions for collection and disposal of solid waste are available and meet the regulations and minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Sections 69-5001 through 69-5005, R.C.M. 1947. The means for solid waste collection and disposal shall be subject to approval by the governing body.

12. Utilities

Underground utilities, if placed in the street right-of-way, shall be located between the roadway and the right-of-way line to simplify location and repair of lines. Such underground facilities shall be installed after the street has been brought to grade and before it is surfaced, to eliminate so far as practicable the necessity for disturbing such surfacing for the connection of individual services. Overhead utility lines shall be located at the rear property line, where practical. Utility facilities shall be designed by utility firms in cooperation with the subdivider, subject, however, to all applicable laws and all rules and regulations of any appropriate regulatory authority having jurisdiction over such facilities.

13. Easements

Where required by the governing body, easements shall be provided for utilities, drainage and vehicular or pedestrian access. Easements shall be centered along rear and side lot lines where practical and shall not be less than twenty (20) feet in width.

14. Park Land Requirement

A plat of a residental subdivision shall show that one-ninth (1/9) of the combined area of lots five (5) acres or less in size and one-twelfth (1/12) of the combined area of lots greater than five (5) acres in size, exclusive of all other dedications, is forever dedicated to the public for parks or playgrounds. No dedication may be required for the combined area of those lots in the subdivision which are larger than ten (10) acres exclusive of all other dedications. The governing body, in consultation with the planning board having jurisdication, may determine suitable locations for such parks and playgrounds.

b. Where, because of size, topography, shape, location or other circumstances, the dedication of land for parks or playgrounds is undesirable, the governing body may, for good cause shown, make an order to be enforced and certified on the plat accepting a cash donation in lieu of the dedication of land that would have been dedicated. For the purpose of this section, the fair market value is the value of the unsubdivided, unimproved land. Such cash donation shall be paid into the park fund to be used for the purchase of additional lands or for the initial development of parks and playgrounds.

(1) Where cash has been accepted in lieu of land dedication, the amount of cash donation shall be stated on the final plat.

(2) Where cash has been accepted in lieu of land dedication, the governing body shall record in the minutes of the hearing upon the proposed subdivision why the dedication of land for parks and playgrounds was undesirable.

(3) The fair market value shall be determined as of the date of submission of the preliminary plat.

(4) The fair market value should be established by a qualified real estate appraiser.

(5) Park fund monies shall be expended according to a park policy or plan.

c. If a tract of land is being developed under single ownership as a part of an overall development plan, and part of the tract has been subdivided and sufficient park lands have been dedicated or cash donated in lieu to the public from the area that has been subdivided to meet the requirements of this section for the entire tract being developed, the governing body shall issue an order waiving the land dedication and cash donation requirements for the subsequently platted area.

d. The local governing body may waive dedication and cash donation requirements where all of the parcels in a subdivision are five (5) acres or more in size and where the subdivider enters a covenant to run with the land and revocable only by mutual consent of the governing body and the property owner that the parcels in the subdivision will never be subdivided into parcels of less than five (5) acres and that all parcels in the subdivision will be used for single family dwellings.

e. The governing body may waive dedication and cash donation requirements when the subdivider agrees to create a property owners' association for the proposed subdivision and to deed to the association land to be held in perpetuity for use as parks or playgrounds. The area of land to be deeded to the association shall equal the amount that would otherwise have been dedicated to public use.

f. The governing body shall waive dedication and cash donation requirements for a subdivision to be created by rent or lease where the subdivider agrees to develop parks or playgrounds within the subdivision for the common use of the residents of the subdivision. The area of land to be reserved for this purpose shall equal the amount that would otherwise have been dedicated to the public.

B. PLANNED UNIT DEVELOPMENTS (P.U.D.'s)

1. The intent of this section is to provide flexibility in certain subdivision standards, allowing the subdivider creativity in subdivision design using a concept which clusters development to promote economies in providing services while preserving and enhancing open space and unique natural features. The P.U.D. concept promotes the planning of an individual tract of land to allow for an individual use such as residential or for a harmonious combination of uses, such as a mixture of residental and commercial.

2. Planned unit developments shall comply with the appropriate standards contained in the following sections of Part III, Design and Improvement Standards, A. Land Subdivision:

1. General Standards
2. Lands Unsuitable for Subdivision
3. Floodway Provisions
4. Improvement Design
8. Grading and Drainage
9. Water Supply
10. Sewage Disposal Facilities
11. Solid Waste
12. Utilities
13. Easements

3. The design and improvement standards contained in Part III, Section 5, Lots; Section 6, Blocks; Section 7, Streets and Roads and Section 14, Park and Open Space Requirements may be modified by the governing body upon request of the subdivider where the plan for a P.U.D. includes provisions for efficient traffic circulation, adequate light, air and open space and where such standards are not practical or reasonable in respect to the overall P.U.D. subdivision design.

4. Minimum total area for a planned unit development shall be three (3) acres.

5. In those areas where no zoning exists, the planning board shall determine in consultation with the subdivider the overall dwelling unit density.

6. The arrangement, type, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions and to public convenience and safety.

7. Each planned unit residential development shall provide at least one-ninth (1/9) of the platted area, exclusive of all other dedications, for common open space. The open space shall be:

a. Held in common ownership by a property owners' association; or

b. Dedicated to public use, if acceptable to the governing body; or

c. A combination of "a" or "b", above.

7. The development shall be in compliance with P.U.D. provisions in local zoning regulations. Where such provisions do not exist, the proposed subdivision must be designated as a planned unit development by the governing body. To obtain designation of a subdivision as a P.U.D., the subdivider, before filing a preliminary plat, must submit to the governing body the following information:

a. A sketch plan of the proposed subdivision, containing all information requested in Section II-A-2, Pre-Application Procedures, of these regulations.

b. A description of open space, recreational facilities, roads and other facilities proposed to be under common ownership.

c. A description of proposed restrictive covenants, if any.

d. Proposed forms of ownership of property within the development.

e. A statement describing measures to be taken to assure permanence and maintenance of open space and other facilities to be held in common ownership.

f. If the development plan calls for a development time of 18 months or more for street and utility improvements, a schedule showing the time when the improvements will be completed must be provided.

g. Any additional information that the governing body may require.

8. The governing body shall review the proposed plan and, before designating the subdivision a P.U.D., shall determine that the development plan promotes the clustering of individual building sites, conforms to the definition, and intent of this section, and does one or more of the following:

a. Preserves to the maximum extent possible, the natural characteristics of the land including topography, vegetation, streams and other bodies of water.

b. Provides economies in the provision of roads and other public improvements.

c. Preserves productive agricultural land.

d. Protects important historic sites or structures or areas of important wildlife habitat.

e. Provides developed facilities for recreational purposes.

C. MOBILE HOME PARKS

1. Mobile home parks shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, as required by Sections 69-5601 through 69-5607, R.C.M. 1947, and all regulations adopted pursuant thereto.

2. Mobile home parks shall comply with the provisions of the following sections of Part III, Design and Improvements Standards, A. Land Subdivisions.

   1. General Standards
   2. Lands Unsuitable for Subdivision
   3. Floodway Provisions
   7. Streets and Roads
   8. Grading and Drainage
   12. Utilities

3. Streets

   a. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot.

   b. Streets shall be designed to permit safe placement and removal of mobile home units.

   c. Streets and roads in mobile home parks shall comply with the appropriate design standards for urban and suburban roads listed in Table II (A. Land Subdivisions, 7. Streets and Roads), except in regard to roadway widths. Streets should be of adequate widths to accommodate the contemplated parking and traffic load. As a minimum, however, moving lanes must be ten (10) feet wide, and parallel parking lanes must be eight (8) feet wide. In all cases streets shall meet the following minimum width requirements.

   (1) All entrance streets and other collector streets with guest parking on both sides ..... 36 feet*

   (2) Collector street with no parking .....30 feet*

   (3) Local street with parking on one side..28 feet*

*Reduce by 2' if adjacent sidewalk is provided.

(4) Local or cul-de-sac street with no parking ... 20 feet*

(5) One-way local street with no parking (generally permissable only if the street is less than 500 feet in length and serves fewer than 25 mobile home lots) .....11 feet*

4. The Mobile Home Lot

a. The limits of each mobile home lot shall be marked on the ground by suitable means. Lot limits on the ground must be as shown on the preliminary plat.

b. A mobile home stand, a minimum of fourteen (14) feet wide and seventy (70) feet long shall be provided on each lot.

c. Mobile home lots shall be arranged to permit the practical placement and removal of mobile homes.

d. The mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall be constructed so as not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. The mobile home anchors or tie-downs and their placement shall meet the regulations and minimum standards adopted by the Montana Department of Administration, Division of Architecture and Engineering, pursuant to Sections 69-2104 through 69-2124, R.C.M. 1947.

e. Improved driveways shall be provided on lots where necessary for convenient access to mobile homes. The minimum width shall be ten (10) feet.

f. A minimum of two (2) off-street parking spaces shall be provided for each mobile home lot. Parking may be in tandem. One (1) guest parking space for each ten (10) mobile home lots shall be provided. Group parking may be provided.

The governing body may require that a central area be provided for storage or parking of boats, trailers or other recreation vehicles.

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*Reduce by 2' if adjacent sidewalk is provided.

5. Water Supply

All water supply systems shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Sections 69-5601 through 69-5607, R.C.M. 1947.

Water supply systems shall be subject to approval by the governing body.

6. Sewage Disposal

All sewage disposal systems shall meet the minimum standards of the Montana State Department of Health and Environmental Sciences, Division of Environmental Sciences adopted pursuant to Sections 69-5601 through 69-5607, R.C.M.1947. Sewage disposal systems shall be subject to approval by the governing body.

7. Solid Waste

The mobile home park developer shall assure that facilities for collection and disposal of solid waste are available and meet the regulations and minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, pursuant to Sections 69-5601 through 69-5607, R.C.M. 1947. The means for solid waste collection and disposal shall be subject to approval by the governing body.

8. General Location Requirements

a. All mobile homes shall be located at least twenty-five (25) feet from any property boundary line abutting upon a public street or highway right-of-way and at least fifteen (15) feet from other boundary lines of the park.

b. Mobile home stand must be located at least ten (10) feet from the street that serves it.

c. The governing body may require that mobile home parks located adjacent to industrial or commercial land uses provide screening such as fences or natural growth along the property boundary line separating the park and such uses.

d. No mobile home may be located less than fifteen (15) feet from any other mobile home or structure within the mobile home park. Accessory structures such as attached awnings, carports, or individual storage facilities are for purposes of this requirement, considered to be part of the mobile home.

e. A mobile home stand may not occupy more than one-third of the area of its lot. The total area by a mobile home and its roofed accessory buildings and structures may not exceed two-thirds of the area of a lot.

9. Park Land Requirement

The governing body shall waive dedication and cash donation requirements for a subdivision to be created by rent or lease where the subdivider agrees to develop parks or playgrounds within the subdivision for the common use of the residents of the subdivision. The area of land to be reserved for this purpose shall equal the amount that would otherwise have been dedicated to the public pursuant to Part III, DESIGN AND IMPROVEMENTS STANDARDS, A. Land Subdivisions, Section 14. Park Land Requirement. That area shall be located so as to conveniently serve the residents of the entire mobile home park. Recreation areas may include space for community recreation buildings and facilities.

D. RECREATIONAL VEHICLE PARKS

1. Recreational vehicle parks shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Sections 69-5601 through 69-5607, R.C.M. 1947.

2. Recreational vehicle parks shall comply with the provisions of the following sections of Part III, Design and Improvements Standards, A. Land Subdivisions:

1. General Standards
2. Lands Unsuitable for Subdivision
12. Utilities

3. Floodway Provisions

Land located in the floodway of a flood of one hundred year frequency as defined by Title 89, Chapter 35, R.C.M. 1947, or land deemed subject to flooding as determined by the governing body shall not be developed for building purposes, or other uses that may increase or aggravate flood hazards to life, health, or property. Only land uses not involving permanent buildings, such as park or playground areas or camping sites, may be located in areas subject to flooding. Development shall be carried out in accordance with the Montana Floodway Management Act (Title 89, Chapter 35, R.C.M. 1947) and all regulations adopted pursuant thereto.

If any portion of a proposed subdivision is within 2,000 horizontal feet and 20 vertical feet of a live stream draining an area of 25 square miles or more, and no official floodway delineation or floodway studies of the stream have been made, the subdivider shall furnish survey data as required by the Montana Requirements for Flood Hazard Evaluations (MAC 22-2. 4B (26)-S4070) contained in Appendix B of these regulations. The floodway will be determined by the Water Resources Division, Department of Natural Resources and Conservation. This requirement for survey data shall be waived by the planning board where the subdivider has contacted the Water Resources Division and that agency has stated in writing that available data indicates that the proposed subdivision is not in a flood hazard area.

4. Streets and Recreational Vehicle Spaces

The arrangement, type, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, topographical conditions, and public convenience and safety, and in their relation to the proposed uses of the land to be served by such streets.

All recreational vehicle spaces shall be provided with safe and convenient access from abutting streets or roads. Alignment and gradients of roads shall be adapted to topography. Surfaces of roads shall be smooth, hard, dense, and well drained.

Exposed ground surfaces in all parts of every recreational vehicle space shall be paved, covered with stone or other solid material, or protected with a vegetative cover.

a. Intersections

(1) Intersections of recreational vehicle park streets with local streets or major arterials or highways shall be kept to a minimum. Streets serving recreational vehicle parks shall connect with arterial streets so as to not generate traffic on local streets. Intersections of recreational vehicle park streets with arterials or collector streets shall be designed to as to cause the least possible interference with traffic movement.

(2) No more than two (2) streets may intersect at one point.

(3) Streets shall intersect at right angles, except when topography dictates otherwise, and in no case shall the angle of intersection be less than sixty (60) degrees.

(4) Two streets meeting a third street from opposite sides shall meet at the same point or their centerlines shall be off-set at least one hundred twenty-five (125) feet.

(5) Intersection design shall provide acceptable visibility for traffic safety as dictated by the designed operating speeds of the individual roadways.

b. Culverts or bridges shall be provided by the subdivider where drainage channels intersect any street right-of-way. Where culverts are required, they shall extendat least across the entire improved width of the street. The capacity of culverts shall be at least equivalent to that of a culvert having a circular diameter of eighteen (18) inches.

c. Plantings may be required for buffering, screening, or soil erosion protection, and are subject to approval by the governing body. Existing trees and other vegetation shall be preserved where possible. A buffering screen of evergreen foliage may be required along the preimeters of a recreational vehicle park which abut a highway arterial or frontage access road.

d. Streets and roads shall be arranged to discourage through traffic.

e. Horizontal alignment of streets shall ensure adequate sight distances. When street lines deflect more than five (5) degrees, connection shall be made by horizontal curves.

f. Roads in recreational vehicle parks shall comply with the appropriate design standards for rural roads listed in Table I (A. Land Subdivisions, 7. Streets and Roads) except in regard to roadway widths. Streets should be wide enough to accommodate the contemplated parking and traffic load. Moving lanes must be at least ten (10) feet and parallel parking lanes must be at least eight (8) feet wide.

5. Internal Design

a. Recreational vehicle spaces shall be arranged to facilitate placement and removal of vehicles from individual spaces.

b. Accessory facilities shall be designed and located for safe and convenient use by occupants of the park, but so as to inhibit their use by non-occupants.

c. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structures such as attached awnings shall, for purposes of this separation requirement, be considered part of the recreational vehicle.

d. The density shall not exceed 25 recreational vehicle spaces per acre of gross site area.

e. All recreational vehicle spaces shall be located at least twenty-five (25) feet from a public street or highway right-of-way.

f. The governing body may require that recreational vehicle parks located adjacent to industrial or commercial land uses provide screening such as fences or natural growth along the property boundary line separating the park from such uses.

g. At least one-twelfth (1/12) of the area of the recreational vehicle park shall be reserved for a park or playground area. The area shall be located so as to conveniently serve all patrons of the recreational vehicle park. Recreation areas may include space for recreation buildings and facilities.

6. Grading and Drainage

a. The recreational vehicle park developer shall provide suitable drainage facilities for any surface run-off affecting the park. These facilities shall be located in street rights-of-way or open spaces and are subject to approval by the governing body.

b. Each culvert or other drainage facility shall be large enough to accommodate potential run-off from upstream drainage areas.

c. Drainage systems shall not discharge into any sanitary sewer facility.

d. All drainage systems shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Sections 69-5001 through 69-5005, R.C.M. 1947.

7. Water Supply

All water supply systems shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Sections 69-5601 through 69-56-7, R.C.M. 1947. Water supply systems shall be subjected to approval by the governing body. The governing body may require that any central water supply system which is installed be designed to provide an adequate accessible water supply for fire protection purposes.

8. Sewage Disposal

All sewage disposal systems shall meet the minimum standards of the Montana State Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Sections 69-5601 through 69-5607, R.C.M. 1947. The means for sewage disposal shall be subject to approval by the governing body.

9. Solid Waste

The recreational vehicle park developer shall assure that provisions for collection and disposal of solid waste are available and meet the regulations and minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Sections 69-5602 through 69-5607, R.C.M. 1947. The means for solid waste collection and disposal shall be subject to approval by the governing body,

E. CONDOMINIUMS

1. Condominium developments shall comply with those standards contained in PART III, DESIGN AND IMPROVEMENT STANDARDS, which the governing body deems applicable.

2. Condominium developments shall meet the minimum standards of the Montana Department of Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Sections 69-5001 through 69-5005, R.C.M. 1947.

3. Condominium developments shall comply with all provisions of the Unit Ownership Act, Sections 67-2302 through 67-2342, R.C.M., 1947, and all regulations adopted pursuant thereto by the Montana Department of Business Regulation.

APPENDIX A

ENVIRONMENTAL ASSESSMENT

General Instructions

1. Using available information the subdivider shall provide, as appropriate, responses to the questions included herein and any materials as required.

2. All responses to the environmental assessment shall follow the outline contained herein and shall be identified with the appropriate section heading, number and letter. If a particular question is not relevant to the proposed subdivision, state the reason it does not apply.

3. Identify the sources of information for each section of the assessment and describe all attempts made to secure information.

4. On-site inspections may be made regarding any particular question. Deliberate falsification or omission of any part of the questionnaire shall constitute grounds for rejection of the plat.

## I. ENVIRONMENT

### A. SURFACE WATER

1. Locate on a plat overlay or sketch map and describe all surface waters which may affect or be affected by the proposed subdivision, including:

   (a) Natural water systems such as streams, lakes, rivers, and marshes; or

   (b) Artificial water systems such as canals, ditches, aqueducts, reservoirs, and irrigation and drainage systems.

   Description should include:

   --name, approximate size and location of water body;
   --present uses of water body (for example, irrigation, recreation);
   --time when water is present (seasonally vs. all year);
   --proximity of proposed construction such as buildings, sewer systems, roads;

2. Describe location, extent, type and purpose of any existing or proposed streambank or shoreline alteration or any proposed construction or modification of lake beds or stream channels.

### B. GROUNDWATER

Using available groundwater data, the subdivider should provide the following information.

1. The minimum and maximum depth to the water table and the dates on which these depths were determined. What is the location and depth of all aquifers which may be affected by the proposed subdivision? Describe the location of known aquifer recharge areas which may be affected by the proposed subdivision.

2. Describe any steps necessary to avoid depletion or degradation of groundwater and groundwater recharge areas.

C. GEOLOGY - SOILS - SLOPES

1. Using available information, locate on a plat overlay or sketch map any known geologic hazards affecting the proposed subdivision which could result in property damage or personal injury due to:

   (a) Rock falls or slides;

   (b) Slides--land, mud, snow;

   (c) Surface subsidence (i.e., settling or sinking);

   (d) Seismic activity.

   Explain what measures will be taken to prevent or materially reduce the danger of future property damage or personal injury due to any of the hazards referred to above.

2. Provide a statement describing any potential difficulties in building or excavating due to any unusual soil, topographic or geologic conditions such as:

   (a) Shallow bedrock;

   (b) High water table;

   (c) Unstable or expansive soil conditions;

   (d) Excessive slope.

   On a plat overlay or sketch map identify the lots or areas affected.

   In considering any such unusual conditions the statement should specifically address any problems which may be encountered in excavating for:

   --Basements;

   --Water-supply trenches;

   --Septic tanks and drainfield installation;

   --Underground electrical and telephone lines.

3. Provide a large scale map or plat overlay of the soil types within the proposed subdivision.

4. Provide maps and tabular or narrative data showing the suitability of each soil type within the subdivision for each proposed use, and any special design methods planned to overcome any soils limitations.

5. Indicate on a plat overlay or sketch map the location and amount of any cut or fill three (3) feet or more in depth.

6. When cuts or fills will be necessary, describe any plans to prevent erosion and to promote revegetation such as replacement of topsoil and grading.

D. VEGETATION

1. On a plat overlay or sketch map:

   (a) Indicate the distribution of the major vegetation types such as: marsh, grassland, shrub, coniferous forest, deciduous forest, mixed forest.

   (b) Identify any critical plant communities such as:

   --stream bank or shoreline vegetation;

   --vegetation on steep, unstable slopes;

   --vegetation on soils highly susceptible to wind or water erosion.

2. Describe measures to be taken to:

   (a) Preserve trees and other natural vegetation (e.g., locating roads and lot boundaries or planning construction to avoid damaging tree cover).

   (b) Protect critical plant communities (e.g., keeping structural development away from these communities or reserving such areas as open space).

E. WILDLIFE

1. What major species of fish and wildlife use the area to be affected by the proposed subdivision?

2. On a plat overlay or sketch map of the proposed subdivision locate any known critical or "key" wildlife areas, such as big game winter range, waterfowl nesting areas, habitat for rare or endangered species, and wetlands.

3. Describe any proposed measures to protect or enhance wildlife habitat or to minimize degradation (e.g.,keeping buildings and roads away from shorelines or setting aside marshland as undeveloped open space).

F. HISTORICAL FEATURES

1. Describe and locate on a plat overlay or sketch map any known or possible historic, paleontological, archaelogical or cultural sites, structures, or objects which may be affected by the proposed subdivision.

2. Describe any plans to protect such sites or properties.

G. VISUAL IMPACT

1. Describe any proposed measures to blend development activities with the natural surroundings (e.g., provisions for appropriate building materials, colors, and road design, and for underground utilities and revegetation of earthwork).

II. COMMUNITY IMPACT

A. WATER

1. Describe how water will be provided for domestic use and fire protection.

2. How many gallons of water per day will the proposed subdivision require? Is the water supply sufficient to meet the needs of the anticipated, final population of the subdivision?

3. Do the plans for water supply meet the standards of the State Department of Health and Environmental Sciences for quality, quantity and construction?

4. If a central water system is to be installed:

(a) If the developer proposes to connect an existing water system, identify and describe that system. Provide evidence that permission to connect to that system has been obtained. State the approximate distance to that system. Will the capacity of the existing water system be adequate to serve the proposed subdivision? What would be the cost of extending or improving the existing water system to service the proposed development?

(b) If a separate central water supply system is to be installed, who will install that system and when will it be completed? Who will administer and maintain the system at the beginning of subdivision development and when subdivision is completed?

5. If individual water systems are to provided, at whose expense will they be constructed?

(a) Is there an adequate supply of groundwater for individual wells? How was this determined?

(b) If cisterns are to be used, what provisions will be made for supplying water?

(c) Who will administer and maintain the proposed system at the beginning of subdivision development and when development is completed?

C. SOLID WASTE DISPOSAL

1. Describe the proposed system of solid waste collection and disposal for the subdivision.

2. Where the subdivider proposes to utilize an existing collection system and disposal facility, provide evidence that this system and facility are available and can handle the anticipated additional volume.

3. Where no existing system is available what is the proposed alternative?

4. If solid waste is to be disposed of on-site, what consideration has been given to the prevention of pollution of surface or groundwater supplies?

5. Does the proposed method of solid waste disposal meet the standards of the Department of Health and Environmental Sciences?

D. ROADS

1. Will the subdivision require construction of a new public or private access roads or substantial improvements of existing public or private access roads?

(a) Do any of the individual lots or tracts abut directly on arterial streets or roads? If so, explain why access was not provided by means of a road within the subdivision.

(b) If any existing roads are to be closed or modified, describe the situation.

(c) What provisions for dust control are being considered?

(d) Describe how street and road maintenance will be provided to meet the Department of Health and Environmental Sciences guidelines for prevention of water pollution and erosion.

2. Who will pay the cost of installing and maintaining dedicated and private roadways?

3. When fully developed, how much daily traffic will this subdivision generate on existing local or neighborhood streets and main arterials?

(a) Discuss the capacity of existing and proposed streets and roads to safely accommodate this increased traffic.

(b) Describe any increased maintenance problems and cost that will be caused by this increase in volume.

4. Is year-round access by conventional automobile over legal rights-of-way available to the subdivision and to all lots and common facilities within the subdivision?

5. Identify owners of any private access to the subdivision.

E. UTILITIES

1. Has the subdivision preliminary plat been submitted to affected utilities for review?

2. Describe the method of furnishing electric, natural gas, or telephone service where provided. To what extent will these utilities be placed underground?

3. Estimate the completion date of each utility installation.

F. EMERGENCY SERVICES

1. Describe the emergency services available to the residents of the proposed subdivision including number of personnel and number of vehicles or type of facilities for:

(a) Fire protection--Is the proposed subdivision in an urban or rural fire district? If not, will one be formed or extended? In absence of a fire district, what fire protection procedures are planned?

(b) Police protection;

(c) Ambulance service;

(d) Medical services.

2. Can the needs of the proposed subdivision for each of the above services be met by present personnel and facilities?

(a) If not, what additional expense would be necessary to make these services adequate?

(b) At whose expense would the necessary improvements be made?

G. SCHOOLS

1. Describe the available educational facilities which would serve this subdivision.

2. Estimate the number of school children that will be added by the proposed subdivision. Provide a statement from the administrator of the appropriate school system indicating whether the increased enrollment can be accommodated by the present personnel and facilities and by the existing school bus system.

H. LAND USE

1. Describe any comprehensive plan or other land use regulations covering the area proposed for subdivision or adjacent land. If located near an incorporated city or town, is annexation proposed?

2. Describe how the subdivision will affect access to any public lands. Where public lands are adjacent to or near the proposed development, describe the present and anticipated uses for those land, e.g., grazing, logging, recreation.

3. How will the subdivision affect adjacent land uses?

4. Describe any health or safety hazards on or near the subdivision, such as: mining activity or potential subsidence, high pressure gas lines, dilapidated structures, or high voltage power lines. Any such conditions should be accurately described and their origin and location identified.

5. Describe any on-site or off-site uses creating a nuisance, such as unpleasant odors, unusual noises, dust, or smoke. Any such conditions should be accurately described and their origin and location identified.

I. HOUSING

1. Describe the total number of dwellings by type (single-family, multi-family, mobile homes) anticipated for the subdivision.

2. Is the subdivision planned as a second home or recreational subdivision?

3. Estimate the dates by which the subdivision is anticipated to be one-half and completely developed with residential structures.

J. PARKS AND RECREATION FACILITIES

Describe park and recreation facilities to be provided within the proposed subdivision and other recreational facilities which will serve the subdivision.

K. TAXATION

1. List the number of acres in each land assessment classification prior to subdivision.

2. What is the annual property tax revenue generated by the proposed subdivision before subdivision? Estimate the property tax revenue which will be generated after re-classification as subdivided land.

3. If applicable, describe any existing tax and existing or proposed special assessments which will affect the subdivision.

L. ACCESSIBILITY OF SERVICE SYSTEMS AND FACILITIES

Provide total distances over road types to each of the following:

| | Unimproved | Graded | Graveled | Paved | Total | Town Where Located |
|---|---|---|---|---|---|---|
| Fire Protection | | | | | | |
| Police Protection | | | | | | |
| Elementary Schools | | | | | | |
| Junior High Schools | | | | | | |
| High Schools | | | | | | |
| Ambulance Service | | | | | | |
| Medical & Dental Facilities | | | | | | |
| Hospital Facilities | | | | | | |
| U. S. Postal Service | | | | | | |

Appendix B

Sample Forms

1. Notice of Public Heaing on Proposed Subdivision Regulations

2. Application for Approval of Preliminary Subdivision Plat

3. Preliminary Plat Review Checklist

4. Notice of Public Hearing on Preliminary Plat

5. Application for Approval of Final or Minor Subdivision Plat

6. Certificate of Completion of Public Improvements/Improvement Agreement

7. Certificate of Surveyor -- Final Plat

8. Certificate of Examining Land Surveyor where Required

9. Certificate of Dedication -- Final Plat

10. Certificate of Consent to Dedication by Encumbrancers

11. Certificate of Waiver of Park Land Dedication and Acceptance of Cash in Lieu Thereof

12. Certificate Stating Facts Authorizing the Governing Body to Waive Park Dedication under the Five-Acre, Single Family Dwelling Exemption of the Subdivision and Platting Act

12a. Covenant

13. Certificate of Facts Exempting Division of Land for Agricultural Purposes from Review as a Subdivision

13a. Covenant

14. Certificate of Final Plat Approval -- County

15. Certificate of Final Plat Approval -- City

16. Certificate of Filing by Clerk and Recorder

17. Sample Fee Schedule

1. NOTICE OF PUBLIC HEARING ON PROPOSED

SUBDIVISION REGULATIONS

Notice of Public Hearing

The (Name of Governing Body) will hold a public hearing, pursuant to the Montana Subdivision and Platting Act on proposed subdivision regulations for the (City or County).

Said subdivision regulations, if adopted by (Name of Governing Body), shall thereafter regulate and control the subdivision of land in the (City or County).

Copies of the complete text of the proposed regulations may be seen at _____ during regular business hours.

The public hearing will be held in (Date), at (Time), at (Place), at which time all persons interested will be given an opportunity to be heard.

By order of the (Name of Governing Body) dated _____

_____ Chairman _____ Clerk

## 2. APPLICATION FOR APPROVAL OF PRELIMINARY SUBDIVISION PLAT

1. Name of Subdivision _____

2. Location:

   a. Nearest Town _____

   b. Number of nearest state or federal highway _____

   c. Legal Description (to 1/4 Section) Section _____
   Township _____ Range _____

3. Name, address and telephone number of subdivider.

   _____
   _____

4. Name, address and telephone of each person or firm providing professional services and information to the subdivider (e.g., attorneys, engineers and land surveyors).

   _____
   _____
   _____

5. Name, address and telephone number of person or firm which prepared environmental assessment.

   _____
   _____

6. Descriptive data:

   a. Gross area of subdivision in acres _____
   b. Number of lots _____
   c. Average lot size _____
   d. Minimum and maximum lot sizes _____
   e. Lineal feet of streets _____
   f. Existing zoning _____
   g. Proposed use:

      _____ Residental Single Family
      _____ Residental Multi-Family
      _____ Planned Unit Development
      _____ Mobile Home Park
      _____ Recreational Vehicle Park

Other (Describe) _____

_____

_____

7. List of materials submitted with this application:

a. _____ e. _____
b. _____ f. _____
c. _____ g. _____
d. _____ h. _____

I hereby depose and say that all the statements and information and the statements and information contained in all exhibits transmitted herewith are true. I hereby apply to the (govering body) of (city or county) for approval of the preliminary plat for (name of subdivision) Subdivision.

_____
Subdivider or Agent

## 3. PRELIMINARY PLAT REVIEW CHECKLIST

Name of Subdivision _____

Location _____

_____
(Section, Range, Township and Quarter-Section)

Name, Address and Telephone Number of Subdivider.

_____

_____

CHECKLIST

| | Yes | No |
|---|---|---|
| 1. Complete preliminary plat application . . . . . | | |
| 2. Required number of plats and supplements submitted . . . . . | | |
| 3. Filing fee paid . . . . . | | |
| 4. Subdivision name duplicated others . . . . . | | |
| 5. Correct preliminary plat size . . . . . | | |
| 6. Preliminary plat contains on the face of the plat or on separate sheets referenced on the face of the plat: | | |
| a. Title and certifications: | | |
| (1) Name of subdivision . . . . . | | |
| (2) Location . . . . . | | |
| (3) Scale . . . . . | | |
| (4) North arrow . . . . . | | |
| (5) Date . . . . . | | |
| b. The exterior boundaries of the platted tract . . . . . | | |
| c. The approximate location of all section corners or legal subdivision corners of sections pertinent to the subdivision boundary . . . | | |

Yes No

d. All lots and blocks, designated by numbers, and the approximate dimensions and area of each lot .....

e. All streets, alleys, avenues, roads and highways, and the width of the right-of-way of each with existing and proposed street names . . . . . .

f. The approximate location, boundaries, dimensions and areas of all parks, common grounds, and other grounds dedicated to public use . . . . . .

g. Existing and proposed utilities located on and adjacent to the tract including:

(1) The approximate location, size and depth of sanitary and storm sewers . . . . . .

(2) The approximate location and size of water mains and fire hydrants . . . . . .

(3) The approximate location of gas lines, fire hydrants, electric and telephone lines, and street lights . . .

(4) The approximate location of nearest water mains and sewer lines where none are loated on or adjacent to the tract . . . . . .

h. Ground Elevations on the Tract . . . . . .
(Contour intervals provided at vertical intervals of two (2) feet where the average slope of the subdivision is less than ten percent (10%) and at intervals of five (5) feet where the average slope of the subdivision is ten percent (10%) or greater. If the proposed density of the subdivision is one (1) dwelling unit per acre of less, the respective vertical intervals required are five (5) feet and ten (10) feet. United States Geological Survey data or other information may be used, if it meets the foregoing interval requirements.

i. The approximate location of existing buildings. structures and improvements . . . . . .

j. The approximate location and identification of all existing easements and rights-of-way of record and proposed public and private easements and rights-of-way, including description of their width and purpose . . . . . .

Yes No

k. The proposed locations of intersections or other access points for any subdivision requiring access to major highways or arterials . . . . . .

7. Preliminary plat supplement including:

a. A vicinity sketch or sketches showing conditions on adjacent land including:

(1) The boundaries and ownership of all lands adjacent to the subdivision and to the access road leading from a present public right-of-way to the boundary of the proposed subdivision. Where the adjacent land is shown on a subdivision plat or certificate of survey, filed with the county clerk and recorder, it shall be identified by reference to such plat or certificate . . . . . .

(2) Location of buildings, railroads, power lines, towers, roads and other nearby non-residential land uses . . .

(3) Existing or proposed zoning, if any.

b. A copy of the current U.S. Geological Survey topographic map, an aerial photograph, or a location map of the largest scale available, with an outline of the subdivision clearly indicated thereon . . . . . .

c. When a tract of land is to be subdivided in phases, an overall development plan indicating his intentions for the development of the remainder of the tract . . . . . .

d. Drafts of covenants and restrictions, if any, to be included in deeds or contracts for sale . . . . . .

e. Floodway survey data, when required.

f. If common property is to be deeded to a property owners' association, the subdivider filed a draft of the covenants and restrictions that will govern the association. These covenants and restrictions must at a minimum, provide that:

(1) The property owners' association will be formed before any property is sold . . . . . .

(2) Membership is mandatory for each property buyer and any subsequent buyer . . . . . .

Yes No

(3) The reservation of the common property will be perpetual.

(4) The association is responsbile for liability insurance, local taxes, and the maintenance of recreational and other facilties . . . . . .

(5) Property owners' must pay their pro rata share of the cost and the assessment charged by the association can be come a lien on the property . . . . . .

(6) The association may adjust the assement to meet changed needs . . . . . .

g. An environmental assessment of the proposed subdivision, when required . . . . . .

4. NOTICE OF PUBLIC HEARING ON PRELIMINARY PLAT

Notice of Public Hearing

The Planning Board of the (County or City) of _____ will hold a public hearing on the application of (Name of Subdivider) for approval of a preliminary plat for the _____ Subdivision located (describe general location, including section, range, township and quarter-section).

The HEARING will be held on the ____day of _____19__, at _____ _____ at _____ o'clock, at which time all interested persons will be given an opportunity to comment.

By order of the Planning Board

_____, Clerk (or Chairman).

5. APPLICATION FOR APPROVAL OF FINAL OR MINOR SUBDIVISION PLAT

1. Name of Subdivision _____

2. Location:

   a. Nearest Town _____

   b. Number of nearest State or Federal Highway _____

   c. Legal Description (to 1/4 Section ) Section _____
      Township _____ Range _____

3. Name, Address and Telephone Number of Subdivider.

   _____
   _____

4. Name, address and telephone of each person or firm providing professional services and information to the subdivider (e.g. attorneys, engineers, and land surveyors).

   _____
   _____
   _____

5. a. Gross Area of Subdivision in Acres _____

   b. Number of Lots _____

   c. Date Preliminary Plat Approved: _____
      Any Conditions? _____ (If yes, attach list of conditions.)

   d. Any Deed Restrictions? _____ (Attach Copy if Yes)

   e. Any Covenants? _____ (Attach Copy if Yes)

   f. All improvements installed? _____
      (If No, attached a subdivision improvements agreement.)

6. List of materials submitted with this application:

   a. _____ e. _____
   b. _____ f. _____
   c. _____ g. _____
   d. _____ h. _____

I do hereby depose and say that all the statements and information and the statements and information contained in all exhibits transmitted herewith are true. I hereby apply to the (governing body) of (city or county of subdivision) Subdivision.

_____
(Signature of subdivider or agent)

- - - -

6. CERTIFICATE OF COMPLETION OF PUBLIC IMPROVEMENTS/SUBDIVISION IMPROVEMENT AGREEMENT (To be submitted with application for approval of final subdivision plat)

CERTIFICATE OF COMPLETION

I, (Name of Subdivider), and I (Name of Subdivier's Registered Professional Engineer), a registered professional engineer licensed to practice in the State of Montana, hereby certify that the following public improvements, required as a condition of approval of (Name of Subdivision), have been installed in conformance with the attached engineering specifications and plans: (Here list the improvements actually installed).

(Signature of Subdivider) (Date)

(Signature of Professional Engineer) (Date)
Registration No. _____ (Engineer's Seal)
(Address)

IMPROVEMENT AGREEMENT

(Name of Subdivider), the subdivider, hereby agrees to construct the following public improvements in (Name of Subdivision) in conformance with the time schedule set forth below. To ensure the installation of these improvements the subdivider agrees to enter into the following security arrangement with (Name of Governing Body): (Here set forth the terms of the security arrangement including the form of the security, conditions for release of collateral, inspection provisions, and the effect of non-performance by the subdivider).

_____ _____
(Date) (Signature of Subdivider)

ACCEPTANCE

The above improvement agreement is hereby approved by the (name of governing body).

_____ _____
(Date) (Authorized Signature)

## 7. CERTIFICATE OF SURVEYOR -- FINAL PLAT

State of Montana )
) ss.
County of _____ )

I, (Name of Surveyor), (City), Montana do solemnly swear that I have made the survey of (Name of Subdivision); that such survey was made (Date of Survey) in accordance with the provisions of Sections 11-3859 through 11-3876 of the Revised Codes of Montana, 1947; that the annexed plat is in accordance with such survey; that the streets and the dimensions of the lots and blocks are as thereon designated; and that the said platted area was laid out on the ground according to law.
Date this _____ day of _____, 19 ___

(Seal)

(Signature of Surveyor)
Registration No. _____
(Address)

## 8. CERTIFICATE OF EXAMINING LAND SURVEYOR WHERE REQUIRED -- FINAL PLAT

I, (Name of Examining Land Surveyor), acting as an Examining Land Surveyor for (City or County) Montana, do hereby certify that I have examined the final plat of (Name of Subdivision) and find that the survey data shown thereon meet the conditions set forth by or pursuant to Section 11-3862 of the Revised Codes of Montana, 1947.
Dated this _____ day of _____, 19 ____.

(Signature)
(Name of Surveyor)
Registration No. _____
(City or County), Montana

(Seal of Examining Land Surveyor)

9. CERTIFICATE OF DEDICATION -- FINAL PLAT

(I) (We), the undersigned property owner(s), do hereby certify that (I) (we) have caused to be surveyed, subdivided and platted into lots, blocks, streets and alleys, as shown by the plat hereto annexed, the following described land in (City and County if in Unincorporated Area), to-wit:

(Exterior boundary description of area contained in plat and total acreage)

The above described tract of land is to be known and designated as (Name of Subdivision), and the lands included in all streets, avenues, alleys, and parks or public squares shown on said plat are hereby granted and donated to the use of the public forever.
Dated this _____ day of _____, 19__.

(Acknowledged and notarized signatures of all record owners of the platted property)

10. CONSENT TO DEDICATION BY INCUMBRANCERS IF ANY

(I) (We), the undersigned encumbrancer(s), do hereby join in and consent to the annexed plat and released (my) (our) respective liens, claims and encumbrances as to any portion of said lands shown on such plat as being dedicated to the used of the public forever.
Dated this _____day of _____, 19____.

(Acknowledged and notarized signatures of all encumbrancers of record)

11. CERTIFICATE OF WAIVER OF PARK LAND DEDICATION AND ACCEPTANCE OF CASH IN LIEU THEREOF

I, (Name of City or County Clerk), (Clerk) (Clerk and Recorder) of (Name of City or County), Montana, do certify that the following order was made by the (Governing Body) of (Name of City or County) at a meeting thereof held on the _____ day of _____, 19 _____, and entered into the proceedings of said Body to-wit: "Inasmuch as the dedication of park land within the platted area of (Name of Subdivision) is undesirable for the reasons set forth in the minutes of this meeting, it is hereby ordered by the (Name of Governing Body) that land dedication for park purposes be waived and that cash in lieu of park land, in the amount of _____ dollars ($ ), be accepted in accordance with the provisions of Sections 11-3859 through 11-3876 of the Revised Codes of Montana, 1947.

In witness whereof, I have hereunto affixed the seal of (Name of City or County), Montana this _____ day of _____, 19____.

(Seal) (Signature of Clerk)

12. CERTIFICATE STATING FACTS AUTHORIZING THE GOVERNING BODY TO WAIVE PARK DEDICATION UNDER THE FIVE-ACRE, SINGLE FAMILY DWELLING EXEMPTION OF THE MONTANA SUBDIVISION AND PLATTING ACT
(To be submitted with preliminary plat)

CERTIFICATE

(Name of Subdivider), referred to herein as the subdivider, hereby certifies that all of the parcels within (Name of Subdivision) contain five (5) acres or more and that the Subdivider will enter into a covenant to run with the land and revocable only by mutal consent of the owners of the parcels in question and the governing body of (Name of City or County), that the parcels in the subdivision will never be subdivided into parcels of less than five (5) acres and that only single family dwellings and associated outbuildings will be constructed on any single lot or parcel within the boundaries of the subdivision and only one single lot or parcel within the subdivision. A copy of this covenant is attached hereto.

(Date) (Notarized Signature of Subdivider)

12 a. DECLARATION OF COVENANT
(To be shown on or filed with final Plat)

THIS DECLARATION made on the date hereafter set forth, by (name of subdivider), hereinafter referred to as Declarent,

W I T N E S S E T H

THAT WHEREAS, Declarant is the owner of certain property known as (Name of Subdivision) in (City and County), State of Montana, which is more particularly described in Exhibit A, attached hereto, and by this reference made a part hereof;

NOW, THEREFORE, Declarant hereby declares that all of the properties described above shall be held, sold, and conveyed subject to the following covenant which shall run with the real property and be binding on all parties having any right, title, or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall bind each owner thereof. The covenant may be revoked for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of (City or County). TO WIT:

No parcels within (Name of Subdivision) may be resubdivided into parcels containing less than five (5) acres and only single family dwellings and their associated outbuildings may be constructed within the boundaries of the subdivision, and only one such dwelling may be constructed on any present or future parcel or lot within the constructed subdivision. For purpose of this restriction "single family dwelling" shall mean a building under one roof designed and intended for use and occupancy as a residence by a single family.

The governing body of (Name of City or County) is deemed to be a party to and may enforce this covenant.

IN WITNESS WHEREOF, the undersigned, being the Declarant, herein, has hereunto set his hand his (date) day of (month), (year).

(Signature of Subivider)
Acknowledgement and notarization
of Signature

13. CERTIFICATE OF FACTS EXEMPTING DIVISION OF LAND FOR AGRICULTURAL PURPOSES FROM REVIEW AS A SUBDIVISION

(To be filed with certificate of survey of the division of land)

I, (Name of Property Owner), the owner of the real property shown on the annexed certificate of survey have entered into the attached or affixed deed restriction to run with the land and revocable only by mutual consent of owners of property affected by this covenant and the governing body of (Name of City or County) that any parcels of land containing less than twenty (20) acres as shown on this certificate of survey will be used exclusively for agricultural purposes.

(Date)

(Notarized Signature of Property Owner)

DECLARATION OF COVENANT

THIS DECLARATION made on the date hereinafter set forth, by (Name of Property Owner), hereinafter referred to as Declarant,

W I T N E S S E T H

THAT WHEREAS, Declarant is the owner of certain property described in the attached certificate of survey which is by this reference made a part hereof;

NOW, THEREFORE, Declarant hereby declares that all of the parcels described above which contain less than twenty (20) acres shall be held, sold, and conveyed subject to the following covenant, which shall run with the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall bind each owner thereof. This covenant may be revoked by mutual consent of the owners of the parcels in question and the governing body of (Name of City or County). The governing body is deemed to be a party to and may enforce this covenant. TO WIT:

EVERY parcel shown on the attached certificate of survey as containing less than twenty (20) acres, will be used exclusively for agricultural purposes.

IN WITNESS WHEREOF, the undersigned, being the Declarant, herein, has hereunto set his hand this _____ day of _____, 19____.

(Signature of Property Owner)
(Acknowledgement and Notarization)

14. CERTIFICATE OF FINAL PLAT APPROVEAL -- COUNTY

The County Commission of _____County, Montana, does hereby certify that it has examined this subdivision plat and having found the same to conform to law, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use, this the _____day of _____, 19____.

(Signatures of Commissioners)

ATTEST: (Signature of Name of Clerk and Recorder
_____, Montana

(Seal of County)

15. CERTIFICATE OF FINAL PLAT APPROVAL -- CITY

The (Commission) (Council) of the City of (Name of City), Montana, does hereby certify that it has examined this subdivision plat and, having found the same to conform to law, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use, this _____ day of _____, 19___.

By (Signature of City Clerk)
Clerk

(Signature of Mayor)
Mayor

(Seal of City)

16. CERTIFICATE OF FILING BY CLERK AND RECORDER

STATE OF MONTANA )
) ss.
COUNTY OF _____ )

File for record this _____ day of _____, 19_____ at _____o'clock.

(Signature of Clerk)
County Clerk and Recorder
_____, Montana

## 17. SAMPLE FEE SCHEDULE

### PRELIMINARY REVIEW

In order to cover costs of reviewing plans, advertising, holding public hearings, or other expenses incidental to the approval of a subdivision, the subdivider shall pay a non-refundable fee at the time of application for approval of a preliminary subdivision plat. The fees shall be charged and payable to the county (or city) treasurer at the following rates:

| Number of Lots | Fee |
|---|---|
| 1 - 25 | $5.00 per lot ($35.00 minimum) |
| 25 - 50 | $125.00 plus $2.50 for each lot in excess of 25 |
| Over 50 | $187.40 plus $1.00 for each lot in excess of 50 |

### FINAL REVIEW AND INSPECTION

To cover the cost of on-site inspection of the subdivision, the subdivider shall pay a non-refundable fee at the time of application for final approval to the county (or city) treasurer at the following rates:

| Number of Lots | Fee |
|---|---|
| 1 - 25 | $50.00 |
| 25 - 50 | $40.00 plus $1.00 for each lot in excess of 25 |
| Over 50 | $100.00 plus $0.80 for each lot in excess of 50 |

In addition, the subdivider shall pay all additional direct costs incurred by the governing body for review and inspection before filing the final plat.

### MINOR SUBDIVISIONS

The review fee for a minor subdivision shall be $25.00.

### FEES FOR VACATION OF PLAT

Fees for planning board review of an application for vacation of a plat of record shall be $25.00 for an application involving 25 or fewer lots and $25.00 plus $0.50 for each lot over 25, for an application involving over 25 lots.

Appendix C

Montana Administrative Code: Sub-Chapter 26

Flood Hazard Evaluations

22-2.4B(26)-S4070 REQUIREMENTS FOR FLOOD HAZARD EVALUATIONS (1) Local regulations shall require that where a subdivider is required to provide data for use in defining the 100-year floodway of a stream subject to flooding as specified in section 22-2.4B(10)-S440 (1) (b), he shall furnish the following:

(a) A copy of the plat showing contour intervals.

(b) The location and elevation of a temporary benchmark established within the subdivision and referenced to mean sea level with appropriate elevation adjustments (1929 G.A ; 1947 S.A.).

(c) A minimum of four (4) surveyed valley cross sections of the stream according to the following requirements:

(i) Cross sections shall include the stream channel and flood plain on both banks.

(ii) One cross section shall be taken at a point on the stream from which it could be extended through the subdivision.

(iii) Three (3) cross sections shall be taken downstream from the subdivision, each approximately 1,000 feet apart, but in no case may the vertical drop between sections exceed 5.0 feet. The cross section farthest downstream should be located at a natural constriction or bridge crossing. Cross sections shall be taken at any bridge location between the subdivision and lowest cross section.

(iv) Distances between cross sections are to be determined by stadia, and these distances and locations of cross sections shall be shown on the location map.

(v) The overbank cross sections are to be extended to obtain a vertical rise of fifteen (15) feet above the water surface.

(d) If a U.S. Geological Survey gauging station is within the reach of the stream under study, the elevation of any convenient foot mark shall be surveyed and clearly indicated on the location map.

(e) Descriptions and sketches of all bridges within the reach, showing unobstructed waterway openings and elevations.

(f) Elevations of the water surface determined by survey survey as part of each valley cross section.

(g) Cross sections plotted on cross section paper of ten (10) divisions to the inch using any convenient, identified scale for vertical and horizontal distance.

(h) A profile sheet prepared on cross section paper of ten (10) divisions to the inch, showing the observed water surface profile, location of cross sections, subdivision boundaries, riverbank profile, and thalweg (lowest point of the channel bottom along the reach of stream).

(i) A location map, such as U.S. Geological Survey 7-1/2 minute quad or similar map, showing the proposed subdivision, the locations of the valley cross sections, and any gauging stations. (History: Sec 11-3863, R.C.M. 1947; NEW, Order MAC No. 22-2-2; Adp. 12/26/73; Eff. 1/5/74; MAC Not. No. 22-2-1.)

Appendix D

Montana Administrative Code: Sub-Chapter 30

Uniform Standards for Monumentation, Certificates Of Survey, and Final Subdivision Plats

22-2.4B(30)-S4080 UNIFORM STANDARDS FOR MONUMENTATION (1) The following standards, which must be contained in local regulations, shall govern monumentation of land surveys:

(a) All permanent control monuments or monuments set to control or mark the boundaries of any division shall be of not less than one-half inch (1/2") diameter by twenty-four inches (24") in length with a cap of not less than one and one-quarter inch (1-1/4") diameter marked in a permanent manner with the name and/or registration number of the registered land surveyor in charge of the survey. A cap of the above dimensions may be set firmly in concrete.

(b) Prior to the filing of any subdivision plat or certificate of survey for record the land surveyor shall confirm the location of sufficient monuments to reasonably assure the perpetuation or reestablishment of any corner or boundary or retracement of the survey. The surveyor shall clearly identify on the face of the plat or certificate of survey all monuments used in the survey, and the descriptions shall be sufficient to identify the monuments without reference to another record of survey.

(c) The plat or certificate shall clearly show the relationship of all adjacent monuments of record and the relationship of the monuments of record to monuments set after recording.

(d) All monuments must be set prior to the filing of a plat or certificate of survey except those monuments which will be disturbed by the installation of improvements. Such monuments may be set subsequent to filing if the surveyor certifies that they will be set before a specified date.

(e) Monuments not less than three-eighths inches (3/8") in diameter and eighteen inches (18") in length and marked with the name and/or registration number of the registered land surveyor in charge of the survey shall be set at the following locations:

(i) At each corner and angle point of all lots, blocks or parcels of land created.

(ii) At every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line.

(iii) At every point of curve, point of tangency, point of reversed curve, or point of compounded curve on each right-of-way line established.

(f) When the placement of a required monument at its proper location is impractical, the surveyor may set a reference monument near that point. Such a reference monument has the same status as other monuments of record if its location is properly shown. Where any point requiring monumentation has been previously monumented, the location of the existing monument shall be confirmed by the land surveyor if used, and if so confirmed shall likewise be considered a monument of record when properly shown and described on the plat recorded.

(g) If the land surveyor uses any previously established monument, he must confirm the location of the monument. If properly confirmed and shown and described on the filed certificate or plat, such a monument shall be considered a monument of record. (History: Sec. 11-3862, R.C.M. 1947; NEW, Order MAC No. 22-2-2; Adp. 12/16/73; Eff. 1/5/74; MAC Not. No. 22-2-1.)

22-2.4B(30)-S4090 UNIFORM STANDARDS FOR CERTIFICATES OF SURVEY (1) The certificate of survey shall comply with the following requirements:

(a) Certificates of survey shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record and shall be either eighteen inches (18") by twenty-four inches (24") or twenty-four inches (24") by thirty-six inches (36") overall to include a one and one-half inch (1-1/2") margin on the binding side.

(b) One (1) signed cloth-backed copy and one (1) reproducible copy on a stable base polyester film or equivalent shall be submitted.

(c) Whenever more than one (1) sheet must be used to accurately portray the lands surveyed, each sheet must show the number of that sheet and the total number of sheets included.

(2) The certificate of survey shall show or contain:

(a) North point.

(b) Scale (may not be less than 1" = 200').

(c) All monuments found, set, reset, replaced or removed describing their kind, size, location and giving other data relating thereto.

(d) Bearing or witness monuments, basis of bearing, bearings and lengths of lines.

(e) Names of any adjoining platted subdivisions and numbers of any adjoining certificates of survey previously recorded and ties thereto.

(f) Brief description of why the certificate of survey was prepared, such as creation of two (2) tracts of land, retracement of section line, retracement of existing tract of land or such.

(g) The areas of any parcels created by the survey.

(h) Memorandum of oaths administered pursuant to section 11-3875, R.C.M. 1947.

(i) A title block must appear on each certificate of survey in which the survey is located. The quarter section, section, township, range and county shall be placed on the certificate of survey by the surveyor preparing it. The certificate of survey number shall be assigned and affixed by the clerk and recorder. The space directly above the certificate of survey number shall be left open by the surveyor for the clerk and recorders' placement of the recording of filing information.

(j) A certificate of the registered land surveyor responsible for the survey.

(k) The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of a closing meander traverse shall be given.

(l) On curved boundaries and on all curves on the plat, sufficient data shall be given to enable the reestablishment of the curves on the ground. These curve data shall include the following:

(i) Radius of curve.

(ii) Central angle.

(iii) Arc length.

(iv) Notation of non-tangent curves.

(m) Lengths shall be shown to at least tenths of a foot, and angles or bearings shall be shown to at least the nearest minute.

(n) A metes and bounds legal description of the land surveyed. (History: Sec. 11-3862, R.C.M. 1947; NEW Order MAC No. 22-2-2; Adp. 12/16/73; Eff. 1/5/74; MAC Not. No. 22-2-1.)

22-2.4B(30)-S4100 UNIFORM STANDARDS FOR FINAL SUBDIVISION PLATS (1) The final plat shall comply with the following drawing requirements:

(a) One (1) cloth-backed copy and one (1) reproducible plat on a stable base polyester film or equivalent shall be prepared. Plats shall be either 18 x 24 or 24 x 36 inches in size.

(b) Whenever more than one (1) sheet must be used to accurately portray the lands subdivided, each sheet must show the number of that sheet and the total number of sheets included. All certifications shall be shown or referenced on one sheet.

(c) The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of a closing meander traverse shall be given.

(d) On curved boundaries and on all curves on the plat, sufficient data shall be given to enable the reestablishment of the curves on the ground. These curve data shall include the following:

(i) Radius of curve.

(ii) Central angle.

(iii) Arc length.

(iv) Notation of non-tangent curves.

(e) Lengths shall be shown to at least tenths of a foot, and angles or bearings shall be shown to at least the nearest minute.

(2) The final plat submitted for approval shall show or contain, on the face of the plat or on separate sheets referenced on the face of the plat:

(a) North point.

(b) Scale (may not be less than 1" = 200').

(c) All monuments found, set, reset, replaced or removed describing their kind, size, location and giving other data relating thereto.

(d) Bearing or witness monuments, basis of bearing, bearings and lengths of lines.

(f) Names of any adjoining platted subdivisions and numbers of any adjoining certificates of survey previously recorded and ties thereto.

(g) The areas of any parcels created by the final plat.

(h) Memorandum of oaths.

(i) A title block indicating the quarter-section(s), section, township, range, principal meridian, and county or other proper legal description of the subdivision.

(j) The exterior boundaries of the platted tract, giving such boundaries by courses and distances.

(k) The location of all section corners or legal subdivision corners of sections pertinent to the subdivision boundary.

(l) All lots and blocks in the subdivision, designated by number, the dimensions of each lot and block, and the area of all lots. (Excepted parcels shall be marked "Not included in this subdivision" and "Not included in this plat," as appropriate, and the boundary completely indicated by bearings and distance.)

(m) The bearings of all lines.

(n) All streets, alleys, avenues, roads and highways, their widths, bearings, and the width and purpose of all rights-of-way, and the names of all streets, roads and highways.

(o) The location and dimensions of all parks, common areas, and all other grounds dedicated for public use. Where cash has been accepted in lieu of land dedication, it shall be so stated on the final plat and the amount of the cash donation stated thereon.

(p) Acreage of the subdivision, gross and net.

(q) All monuments to be of record must be adequately described and clearly identified on the plat. Where additional monuments are to be set subsequent to the recording of the plat, the location of such additional monuments shall be shown by a distinct symbol noted on the plat. All monuments or other evidence found during retracements that would influence the position of any corner or boundary indicated on the plat must be clearly shown.

(r) A certificate of the land surveyor responsible for the survey. (History: Sec. 11-3862, R.C.M. 1947; NEW, Order MAC No. 22-2-2; Adp. 12/16/73; Eff. 1/5/74; MAC Not. No. 22-2-1.)

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